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House of Representatives

CONDEMNING TERRORIST ATTACKS IN SHARM EL-SHEIKH, EGYPT, ON JULY 23, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 384) condemning in the strongest terms the terrorist attacks in Sharm el-Sheikh, Egypt, on July 23, 2005, and for other purposes.

The Clerk read as follows:

H. RES. 384

Whereas on July 23, 2005, a series of explosions at tourist facilities in Sharm el-Sheikh, Egypt, planned and carried out by terrorists, resulted in the death of scores of civilians and the injury of hundreds of others;

Whereas the people of Egypt have been subjected to several other terrorist deadly attacks over the past year;

Whereas Egypt's appointed ambassador to Iraq, Dr. Ihab al-Sherif, was kidnapped and executed by terrorists in Baghdad during July 2005; and

Whereas President George W. Bush expressed the solidarity of the people and Government of the United States with the people and Government of Egypt during his visit to the Embassy of Egypt: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks on Sharm el-Sheikh, Egypt and other terrorist attacks directed against Egypt;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of Egypt as they recover from these cowardly and inhuman attacks; and

(4) expresses its readiness to support the Egyptian authorities in their efforts to bring to justice those individuals responsible for the recent attacks in Egypt and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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. 384.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is highly regrettable that the House must once again be in the position of having to express its outrage at yet another terrorist incident. Again, that incident is linked to a terrible distortion or perversion of Islam, a perversion that resulted in the killing of scores of Egyptians and their foreign guests, including an American, at Sharm el-Sheikh last weekend.

Two weeks ago we were sharing in the loss of scores of British citizens after the treacherous attacks in London. Today through this resolution we share in the mourning of Egyptians. Our feeling of sympathy is common to both peoples who share with us, most of all, our humanity, and whom we mourn just as we mourn all others who are lost in terrorists attacks around the world.

Despite our differences with certain policies pursued by the Government of Egypt, the killing of innocents must be strongly condemned, and we stand ready to support Egyptian authorities in bringing to justice those responsible for the recent attacks. We must unite with the Government and the people of Egypt to help fight a common enemy.

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

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

Mr. Speaker, I rise in strong support of this resolution. The recent deadly terrorist attacks in Egypt culminating in last week's assault on Sharm el-Sheikh have proven once again that the extreme ideology of violent Islamic fundamentalism poses a danger not only to the Western world, but to peace-loving people everywhere. The terrorists do not distinguish between Christians, Jews or Muslims in their search to destroy the core values of civilized society.

Mr. Speaker, at this difficult time we extend our deepest sympathies to the people of Egypt and to the loved ones of those many nations who perished in the bombing. Egypt has suffered several recent losses at the hands of violent fanatics. Earlier this month, Egypt's ambassador-designate in Iraq, Ambassador Ihab al-Sharif, was kidnapped and murdered. This courageous diplomat was to have been the first Arab ambassador accredited to the newly liberated Iraq, and his murder is a tragedy for all decent people.

In that spirit, let me express my profound concern over reports just this morning from Iraq that two recently kidnapped Algerian diplomats also may have been assassinated. I sincerely hope that these reports may not be true.

Mr. Speaker, we want the Egyptian people to know that they have our full support as they seek to hunt down those who planned and implemented the heinous attack at Sharm el-Sheikh, and as they seek to eradicate the scourge of fundamentalist violent Islam that has afflicted Egypt in several spasms over recent years, the same horrendous scourge that took the life of the late President Anwar Sadat, one of the towering figures of the 20th century.

I believe, Mr. Speaker, that the ultimate answer to this problem lies in

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education, improved health, economic development, and political reform. But now is not the time to debate those issues. Now is the time to defeat and to destroy the terrorists and those who have created them.

Today, Mr. Speaker, we stand as one with the Egyptian people and the Egyptian Government in opposing and rejecting the violent ideology of extremist Islamic hate of which Egypt has been the latest victim. I support this resolution strongly. I urge all of my colleagues to do so.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the House Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Speaker, last Saturday July 23, 2005, was a dreadful day for the entire civilized world. The multiple bombings in the Egyptian city of Sharm el-Sheikh that killed dozens constituted the deadliest act of terrorism in Egypt's history.

I want to assure the victims of the attack, their families, and all Egyptian people that the House of Representatives and the American people stand with them during this time of loss.

As we know all too well, terrorists remain committed to senseless killing of innocent people. Their evil must be defeated. That a suicide attacker would ram a pick-up truck packed with 660 pounds of explosives into a hotel is just the most recent demonstration of the viciousness of these killers.

Last weekend's attack is not an isolated incident. A suicide bomber exploded a bomb in a Cairo market on April 7 this year, killing three, including one American. On April 30, two women fired several gunshots into a tour bus in Cairo wounding seven people. And on July 7, Egypt's Ambassador to Iraq, Dr. Ihab al-Sharif, was kidnapped and killed by a group associated with al Qaeda.

□ 1400

The July 23 attack is a heartbreaking reminder of the human toll in the war on terror, but it will only serve to steel the resolve of America, Egypt, and our allies. The U.S. Government will continue its cooperation with Egyptian President Hosni Mubarak to track down the terrorists involved in these attacks. America and our allies do not distinguish between terrorist acts aimed at interrupting the Israeli-Palestinian appeals process, those attacking the operations of the new Iraqi government, or those that result in the murder of innocent sightseers in Sharm el-Sheikh.

Mr. Speaker, as this legislation resolves all to do, I am proud to join President Bush in expressing the solidarity of the American people with the Egyptian people in the aftermath of the July 23 attacks. I strongly support House Resolution 384.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. WEXLER), a member of the Committee on International Relations.

Mr. WEXLER. Mr. Speaker, I want to thank the very eloquent ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), for yielding me this time; and I would first like to associate myself with both his remarks and the remarks of the gentlewoman from Florida (Ms. ROS-LEHTINEN) as they very aptly expressed the sentiments of the American people in regard to the most recent attacks in Egypt.

The attacks in Sharm el-Sheikh were unconscionable acts of tragedy and terror. At this difficult time, the American people stand shoulder to shoulder with the people of Egypt in condemning these reprehensible and senseless acts. As partners in the war against terror, the United States and Egypt are united in our struggle against al Qaeda and the desire for security and peace.

In the past decade, Sharm el-Sheikh has served as an embodiment of hope for the future of the Middle East. It has been a popular tourist destination for Israelis and Europeans and for people worldwide, and the site of high-level peace talks regarding the Arab-Israeli conflict and the future of Iraq. It is my hope that Sharm el-Sheikh will continue to serve as a haven for the hope of peace, irrespective of this tragic event. This is the only way to ensure that the victims of this atrocity will not have died in vain.

I join my colleagues in condemning these horrific acts, expressing condolences to the families of those lost, and reaffirming the long-standing partnership between the United States and Egypt. The gentleman from California (Mr. LANTOS) very eloquently and aptly said: ''At such a time, it is not the time for debate regarding policy. It is a time for humanity to come together in the quest for the victory of freedom and democracy.''

It would be naive, however, Mr. Speaker, not to acknowledge that these attacks come in a political context. And I would hope, as a result of these attacks, that Egypt continue its efforts, as it has done in the past year, in returning its ambassador to Israel and implementing the QIZ legislation requiring and promoting joint investment between business people in Egypt and Israel for the betterment of Egyptian workers, that Egypt progress on a path of both political and economic reform. That ultimately will provide the victory of freedom and democracy that both Americans and Egyptians justly deserve and the terrorists that committed these heinous acts most definitely oppose.

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

In this global struggle between chaos and civilization, there is no doubt in my mind that civilization will prevail; yet every time we are confronted with a tragedy, whether it be London or Sharm el-Sheikh, in Jerusalem or elsewhere, we must express our solidarity with the victims, with the survivors, and with the governments that stand with us against global terrorism.

Our support for the Egyptian people and for the government of Egypt is offered without any reservation or qualification. This House is united in expressing our sympathy and our condolences.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time; but before yielding back my time, I would like to express my personal best wishes to Danielle Simonetta, who is back here, and who will end her exceptional service with the House this week. With her warm good spirits and a depth of managerial skills, she has conducted the legislative agenda on this side of the aisle, frequently under tremendous pressure from many quarters, though not, of course, from Members.

I know I speak for Members on both sides of the aisle when I say, Thank you, Danielle. We are going to miss you, and we welcome you back to our congressional family at any time.

Mr. ISSA. Mr. Speaker, I rise today in support of H. Res. 384, ''Condemning in the strongest terms the terrorist attacks in Sharm el-Sheikh, Egypt, on July 23, 2005.''

I wish to express my condolences to the families of those killed in last week's terrorist attacks, and my sympathy to those injured in the bombings. I would also like to join with Presdient's George W. Bush in expressing the solidarity of the people and government of the United States with the people and government of Egypt. The United States stands ready to support the Egyptian authorities in their efforts to bring to justice those responsible for these cowardly attacks.

These attacks, again, make plain the fact that the Global War on Terrorism is not a way of the West against the Muslim world but a war being fought between those who value freedom and democracy and respect for human rights and those who kill innocent civilians.

Egypt is a friend and ally of the United States. The people of the United States stand by the people of Egypt at this time tragedy.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 384. This legislation condemns the vicious terrorist attacks in Sharm el-Sheikh, Egypt on July 23, 2005. Those tragic blasts left 88 innocent civilians dead and 119 other injured and were the result of a coordinated plan to build fear in the hearts of the Egyptian people and rob them of their liberty.

These acts and many others have been perpetrated by individuals who claim they are acting in the name of Islam. Nothing could be further from the truth. Islam is a religion of peace and tolerance. It is an insult to Muslim Americans and Muslims worldwide to suggest that their chosen religion has anything to do with these terrorist attacks. Let me be clear, those who kill innocents and even themselves in the name of Islam are perverting their religion.

When I talk to Muslim leaders in my district they tell me that the only good thing to come out of these attacks is the raised awareness of their religion and their resulting ability to educate many for the first time on the true tenants of their faith. I am proud of the many Muslims in New Jersey for the work they do everyday to promote peace and religious tolerance. I look forward to a day when all Americans will know the true values of Islam, and understand the hateful and perverted "faith" of those who would commit these deadly attacks.

Terrorism sadly has become a tragic trend in our day and age. The targeting of innocent civilians in brutal attacks throughout the world, in London, New York, Washington, Madrid, the Middle East, and the latest attacks in Sharm El-Sheikh, Egypt all make us a little less secure as human beings. These attacks cannot be allowed to continue. They rob us all of our life and liberty. We cannot let terrorism become a commonplace aspect of our lives. Consequently, I support this resolution to affirm the solidarity of all Americans with the Egyptian people, and condemn these terrorists attacks.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 384.

The question was taken.

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

Ms. ROS-LEHTINEN. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on certain questions previously postponed. Votes will be taken in the following order:

ordering the previous question on House Resolution 387, by the yeas and nays;

adopting House Resolution 387, if ordered;

suspending the rules on S. 544, by the yeas and nays;

suspending the rules on S. 45, 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.

PROVIDING FOR CONSIDERATION OF H.R. 3283, UNITED STATES TRADE RIGHTS ENFORCEMENT ACT

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 387 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 5, as follows:

[Roll No. 432]

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
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)
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
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
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
Shadegg
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)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
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
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.
Jones (OH)
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
Obey
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
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
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Brady (PA)
Issa
Johnson (IL)
Murphy
Platts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1429

Mr. BONILLA changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 432 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ISSA. Mr. Speaker, on rollcall No. 432, I was chair of a subcommittee and had to complete the Record. Had I been present, I would have voted "yea."

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

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

RECORDED VOTE

Mr. MCGOVERN. 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 228, noes 200, not voting 5, as follows:

[Roll No. 433]

AYES—228

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)
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 (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
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—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
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
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)
Johnson, E. B.
Jones (OH)
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
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
Obey
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
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
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Brady (PA)
Issa
Jefferson
McKinney
Murphy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1438

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 for:

Mr. ISSA. Mr. Speaker, on rollcall No. 433, I was chair of a subcommittee and did not reach the vote in time. Had I been present, I would have voted "aye."

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 544.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 544, 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 428, nays 3, not voting 2, as follows:

[Roll No. 434]

YEAS—428

Abercrombie
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 (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
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
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
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)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
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
Hinojosa
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)
Jones (OH)
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 (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
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)

NAYS—3

Flake
Foxx
Paul

NOT VOTING—2

Brady (PA)
Murphy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1448

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DRUG ADDICTION TREATMENT EXPANSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 45.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 45, 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 429, nays 0, not voting 4, as follows:

[Roll No. 435]

YEAS—429

Abercrombie
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
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
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
Gonzalez
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
Hinojosa
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)
Jones (OH)
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 (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
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—4

Blumenauer
Brady (PA)
Carter
Murphy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1455

So (two thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2567.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

UNITED STATES TRADE RIGHTS ENFORCEMENT ACT

Mr. ENGLISH of Pennsylvania. Madam Speaker, pursuant to House Resolution 387, I call up the bill (H.R. 3283) to enhance resources to enforce United States trade rights, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 387, the bill is considered read.

The text of H.R. 3283 is as follows:

H.R. 3283

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 ''United States Trade Rights Enforcement Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States producers that believe they are injured by subsidized imports from nonmarket economy countries have not been able to obtain relief through countervailing duty actions because the Department of Commerce has declined to make countervailing duty determinations for nonmarket economy countries in part because it lacks explicit legal authority to do so;

(2) explicitly making the countervailing duty law under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) applicable to actions by nonmarket economy countries would give United States producers access to import relief measures that directly target government subsidies;

(3) the Bureau of Customs and Border Protection of the Department of Homeland Security has encountered particular problems in collecting countervailing and antidumping duties from new shippers who default on their bonding obligations;

(4) this behavior may detract from the ability of United States companies to recover from competition found to be unfair under international trade laws;

(5) accordingly, it is appropriate, for a test period, to suspend the availability of bonds for new shippers and instead require cash deposits;

(6) more analysis and assessment is needed to determine the appropriate policy to respond to this and other problems experienced in the collection of duties and the impact that policy changes could have on legitimate United States trade and United States trade obligations;

(7) given the developments in the ongoing World Trade Organization (WTO) negotiations relating to trade remedies, Congress reiterates its resolve as expressed in House Concurrent Resolution 262 (107th Congress), which was overwhelmingly approved by the House of Representatives on November 7, 2001, by a vote of 410 to 4;

(8) the United States Trade Representative should monitor compliance by United States trading partners with their trade obligations and systematically identify areas of noncompliance;

(9) the United States Trade Representative should then aggressively resolve noncompliance through consultations with United States trading partners;

(10) however, should efforts to resolve disputes through consultation fail, the United States Trade Representative should vigorously pursue United States rights through dispute settlement in every available forum;

(11) given the huge growth in trade with the People's Republic of China, its impact on the United States economy, and the complaints voiced by many United States interests that China is not complying with its international trade obligations, the United States Trade Representative should place particular emphasis on identifying and resolving disputes with China that limit United States exports, particularly concerning compliance with obligations relating to intellectual property rights and enforcement, tariff and nontariff barriers, subsidies, technical barriers to trade, sanitary and phytosanitary issues, nonmarket-based industrial policies, distribution rights, and regulatory transparency;

(12) in addition, the United States Trade Representative should place particular emphasis on trade barriers imposed by Japan, specifically the Japanese trade ban on United States beef without scientific justification, the Japanese sanitary and phytosanitary restrictions on United States agricultural products, Japanese policies on pharmaceutical and medical device reference pricing, insurance cross-subsidization, and privatization in a variety of sectors that discriminate against United States companies;

(13) the fixed exchange rate that the People's Republic of China currently maintains is a substantial distortion to world markets, blocking the price mechanism and impeding adjustment of international imbalances, and it is also a source of large and increasing risk to the Chinese economy;

(14) the People's Republic of China has completed significant preparations over the last two years for adoption of a more flexible, market-oriented exchange rate;

(15) the People's Republic of China is now ready to move to a more flexible exchange rate and it should move to such an exchange rate as soon as possible;

(16) the Secretary of the Treasury, in the annual report reviewing developments in international economic policy, including exchange rate policy, under the Omnibus Trade and Competitiveness Act of 1988, appropriately concluded that ''current Chinese policies are highly distortionary and pose a risk to China's economy, its trading partners, and global economic growth'';

(17) moreover, the rapid growth of credit and very high rate of investment risk undermine the progress that the People's Republic of China has made in reforming its banking system by creating new flows of non-performing loans;

(18) such behavior effectively prevents market forces from operating efficiently in the People's Republic of China, which distorts world trade;

(19) furthermore, based on the fact that the Secretary of the Treasury has determined the currency policy of the People's Republic of China to be ''distortionary'', the United States Trade Representative and the Secretary of the Treasury should place particular emphasis on determining whether China is violating its international obligations and identify to Congress the actions it is taking to address distortions to world trade;

(20) in addition, Japan's policy of intervening to influence the value of its currency and its prolific barriers to trade create distortions that disadvantage United States exporters;

(21) this adverse impact is magnified by Japan's role in the global marketplace, combined with its chronic surplus, weak economy, deflationary economy, low growth rate, and lack of consumer spending; and

(22) accordingly, the United States Trade Representative should have additional resources in the Office of the General Counsel, the Office of Monitoring and Enforcement, the Office of China Affairs, and the Office of Japan, Korea, and APEC Affairs to address a variety of needs that will best enable United States companies, farmers, and workers to benefits from the trade agreements to which the United States has around the world.

SEC. 3. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.

(a) AMENDMENTS.—

(1) COUNTERVAILING DUTIES IMPOSED.—Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting ''(including a nonmarket economy country)'' after ''country'' each place it appears.

(2) DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(E) of such Act (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following new sentences: ''With respect to the People's Republic of China, if the administering authority encounters special difficulties in calculating the amount of a benefit under clause (i), (ii), (iii), or (iv) of this subparagraph, the administering authority may use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. When applying such methodologies, the administering authority should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.''.

(b) PROHIBITION ON DOUBLE COUNTING.—In applying section 701(a)(1) of the Tariff Act of 1930, as amended by subsection (a), to a class or kind of merchandise of a nonmarket economy country, the administering authority shall ensure that—

(1) any countervailable subsidy is not double counted in an antidumping order under section 731 of such Act (19 U.S.C. 1673) on the same class or kind of merchandise of the country; and

(2) the application of section 701(a)(1) of such Act is consistent with the international obligations of the United States.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any petition filed under section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) on or after 30 days after the date of the enactment of this Act, and the provisions contained in subsection (b) apply to any subsequent determination made under section 733, 735, or 751 of such Act (19 U.S.C. 1673b, 1673d, or 1675).

SEC. 4. NEW SHIPPER REVIEW AMENDMENT.

(a) SUSPENSION OF THE AVAILABILITY OF BONDS TO NEW SHIPPERS.—Clause (iii) of section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)(iii)) shall not be effective during the 3-year period beginning on the date of the enactment of this Act.

(b) REPORT ON THE IMPACT OF THE SUSPENSION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of Homeland Security, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing—

(1) recommendations on whether the suspension of the effectiveness of section 751(a)(2)(B)(iii) of the Tariff Act of 1930 should be extended beyond the date provided in subsection (a) of this section; and

(2) assessments of the effectiveness of any administrative measures that have been implemented to address the difficulties giving rise to the suspension under subsection (a) of this section, including—

(A) problems in assuring the collection of antidumping duties on imports from new shippers; and

(B) burdens imposed on legitimate trade and commerce by the suspension of availability of bonds to new shippers by reason of the suspension under subsection (a).

(c) REPORT ON COLLECTION PROBLEMS AND ANALYSIS OF PROPOSED SOLUTIONS.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Commissioner of the Bureau of Customs and Border Protection and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report describing the major problems experienced in the collection of duties, including fraudulent activities intended to avoid payment of duties, with an estimate of the total amount of uncollected duties for the previous fiscal year and a breakdown across product lines describing the reasons duties were uncollected.

(2) RECOMMENDATIONS.—The report shall make recommendations on additional actions to address remaining problems related to duty collections and, for each recommendation, provide an analysis of how the recommendation would address the specific problem or problems cited and the impact that implementing the recommendation would have on international trade and commerce (including any additional costs imposed on United States businesses and whether the implementation of the revision is likely to violate any international trade laws).

SEC. 5. COMPREHENSIVE MONITORING OF COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA WITH ITS INTERNATIONAL TRADE OBLIGATIONS.

(a) INTELLECTUAL PROPERTY RIGHTS COMPLIANCE.—

(1) IN GENERAL.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic China has taken the following steps:

(A) The Chinese Government has increased the number of civil and criminal prosecutions of intellectual property rights violators by the end of 2005 to a level that significantly decreases the current amount of infringing products for sale within China.

(B) China's Supreme People's Court, Supreme People's Procuratorate, and Ministry of Public Security have issued draft guidelines for public comment to ensure the timely referral of intellectual property rights violations from administrative bodies to criminal prosecution.

(C) The Chinese Ministry of Public Security and the General Administration of Customs have issued regulations to ensure the timely transfer of intellectual property rights cases for criminal investigation.

(D) The Chinese Ministry of Public Security has established a leading group responsible for overall research, planning, and coordination of all intellectual property rights criminal enforcement to ensure a focused and coordinated nationwide enforcement effort.

(E) The Chinese Government has established a bilateral intellectual property rights law enforcement working group in cooperation with the United States whose members will cooperate on enforcement activities to reduce cross-border infringing activities.

(F) The Chinese Government has aggressively countered movie piracy by dedicating enforcement teams to pursue enforcement actions against pirates and has regularly instructed enforcement authorities nationwide that copies of films and audio-visual products still in censorship or import review or otherwise not yet authorized for distribution are deemed pirated and subject to enhanced enforcement.

(G) By the end of 2005, the Chinese Government has completed its legalization program to ensure that all central, provincial, and local government offices are using only licensed software and by the end of 2006 has extended the program to enterprises (including state-owned enterprises).

(H) The Chinese Government, having declared that software end-user piracy is considered to constitute ''harm to the public interest'' and as such will be subject to administrative penalties nationwide, has initiated civil and criminal prosecutions of software end-user violators.

(I) The Chinese Government has appointed an Intellectual Property Rights Ombudsman at the Chinese Embassy in Washington, D.C., to serve as the point of contact for United States companies, particularly small- and medium-sized businesses, seeking to secure and enforce their intellectual property rights in China or experiencing intellectual property rights problems in China.

(J) The relevant Chinese agencies, including the Ministry of Commerce, the China Trademark Office, the State Intellectual Property Office, and the National Copyright Administration of China have significantly improved intellectual property rights enforcement at trade shows and issued new regulations to achieve this goal.

(K) Not later than June 30, 2006, the Chinese State Council has submitted to the National People's Congress the legislative package needed for China to accede to the World Intellectual Property Organization (WIPO) Internet treaties.

(L) The Chinese Government has taken steps to enforce intellectual property right laws against Internet piracy, including through enforcement at Internet cafes.

(M) The Chinese Government, having confirmed that the criminal penalty thresholds in the 2004 Judicial Interpretation are applicable to sound recordings, has instituted civil and criminal prosecutions against such violators.

(N) The Chinese Government has initiated civil and criminal prosecutions against exporters of infringing recordings.

(2) DISPUTE SETTLEMENT PROCEEDINGS IN WTO.—If the President determines that the People's Republic of China has not met each of the obligations described in subparagraphs (A) through (N) of paragraph (1) or taken steps that result in significant improvements in protection of intellectual property rights in accordance with its trade obligations, then the President shall assign such resources as are necessary to collect evidence of such trade agreement violations for use in dispute settlement proceedings against China in the World Trade Organization.

(b) ACCESS FOR EXPORTS OF UNITED STATES GOODS.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) China has taken steps to ensure that United States products can be freely distributed in China, including by approving a significant backlog of distribution license applications and by preparing a regulatory guide for businesses seeking to acquire distribution rights that expands on the guidelines announced in April 2005.

(2) Chinese officials have permitted all enterprises in China, including those located in bonded zones, to acquire licenses to distribute goods throughout China.

(3) The Chinese Government has submitted regulations on management of direct selling to the Chinese State Council for review and taken any additional steps necessary to provide a legal basis for United States direct sales firms to sell United States goods directly to households in China.

(4) The Chinese Government has issued final regulations on direct selling, including with respect to distribution of imported goods and fixed location requirements.

(c) ACCESS FOR EXPORTS OF UNITED STATES SERVICES.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) The Chinese Government has convened a meeting of the U.S.-China Insurance Dialogue before the end of 2005 to discuss regulatory concerns and barriers to further liberalization of the sector.

(2) The Chinese Government has made senior level officials available to meet under the JCCT Information Technology Working Group to discuss capitalization requirements, resale services, and other issues as agreed to by the two sides.

(d) ACCESS FOR UNITED STATES AGRICULTURE.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Agriculture shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) China has completed the regulatory approval process for a United States-produced corn biotech variety.

(2) China's Administration of Quality Supervision, Inspection and Quarantine has implemented the 2005 Memorandum of Understanding between the United States and China designed to facilitate cooperation on animal and plant health safety issues and improve efforts to expand United States access to China's markets for agricultural commodities.

(e) ACCOUNTING OF CHINESE SUBSIDIES.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has provided a detailed accounting of its subsidies to the World Trade Organization by the end of 2005.

(f) REPORTS.—

(1) BIANNUAL REPORT.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President should transmit to the Committee on Ways and Means of the House of

Representatives and the Committee on Finance of the Senate a report that contains—

(A) a description of the specific steps taken by the Government of the People's Republic of China to meet its obligations described in subsections (a) through (e) of this section (other than obligations described in subsections (a)(1)(A) and (G), (b)(1), (c)(1), and (e));

(B) an analysis of the extent to which Chinese officials are attempting in good faith to meet such obligations; and

(C) a description of the actions, if any, the President will take to obtain compliance by China if the President determines that the Chinese Government is failing to meet such obligations, including pursuing United States rights under the dispute settlement provisions of the World Trade Organization, as appropriate.

(2) MONTHLY REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the President should transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(A) a description of the specific steps taken by the Government of the People's Republic of China to meet its obligations described in subsections (a)(1)(A) and (G), (b)(1), (c)(1), and (e);

(B) an analysis of the extent to which Chinese officials are attempting in good faith to meet such obligations; and

(C) a description of the actions, if any, the President will take to obtain compliance by China if the President determines that the Chinese Government is failing to meet such obligations, including pursuing United States rights under the dispute settlement provisions of the World Trade Organization, as appropriate.

SEC. 6. REPORT ON CURRENCY MANIPULATION BY FOREIGN COUNTRIES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) defines currency manipulation;

(2) describes actions of foreign countries that will be considered to be currency manipulation; and

(3) describes how statutory provisions addressing currency manipulation by trading partners of the United States contained in, and relating to, section 40 of the Bretton Woods Agreements Act (22 U.S.C. 286y) and sections 3004 and 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304 and 5305) can be better clarified administratively to provide for improved and more predictable evaluation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 141(g)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) $44,779,000 for fiscal year 2006.

''(ii) $47,018,000 for fiscal year 2007.''.

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the availability of funds appropriated pursuant to section 141(g)(1)(A) of the Trade Act of 1974 before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE GENERAL COUNSEL AND CERTAIN OTHER OFFICES.—There are authorized to be appropriated to the Office of the United States Trade Representative for the appointment of additional staff in or enhanced activities by the Office of the General Counsel, the Office of Monitoring and Enforcement, the Office of China Affairs, and the Office of Japan, Korea, and APEC Affairs—

(1) $4,000,000 for fiscal year 2006; and

(2) $4,000,000 for fiscal year 2007.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) $62,752,000 for fiscal year 2006.

''(ii) $65,890,000 for fiscal year 2007.''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of funds appropriated pursuant to section section 330(e)(2)(A) of the Tariff Act of 1930 before the date of the enactment of this Act.

(c) STUDY AND REPORT ON TRADE AND ECONOMIC RELATIONS WITH CHINA.—

(1) STUDY.—

(A) IN GENERAL.—The United States International Trade Commission shall carry out a comprehensive study on trade and economic relations between the United States and the People's Republic of China which focuses on China's macroeconomic policy, including its fixed exchange rate policy, the competitiveness of its industries, the composition and nature of its trade patterns, and the impact of these elements on the United States trade account, industry, competitiveness, and employment.

(B) REQUIREMENTS.—In carrying out the study under subparagraph (A), the United States International Trade Commission shall undertake the following:

(i) An analysis of the United States trade and investment relationship with China, with a focus on the United States-China trade balance and trends affecting particular industries, products, and sectors in agriculture, manufacturing, and services. The analysis shall provide context for understanding the U.S.-China trade and investment relationship, by including information regarding China's economic relationships with third countries and China's changing policy regime and business environment. The analysis shall include a focus on United States-China trade in goods and services, United States direct investment in China, China's foreign direct investment in the United States, and the relationship between trade and investment. The analysis shall make adjustments, where possible, for merchandise passed through Hong Kong.

(ii) An analysis of the competitive conditions in China affecting United States exports and United States direct investment. The analysis shall take into account, to the extent feasible, significant factors including tariffs and non-tariff measures, competition from Chinese domestic firms and foreign-based companies operating in China, the Chinese regulatory environment, including specific regulations and overall regulatory transparency, and other Chinese industrial and financial policies. In addition, the analysis shall examine the specific competitive conditions facing United States producers in key industries, products, and sectors, potentially including computer and telecommunications hardware, textiles, grains, cotton, and financial services.

(iii) An examination of the role and importance of intellectual property rights issues, such as patents, copyrights, and licensing, in specific industries in China, including the pharmaceutical industry, the software industry, and the entertainment industry.

(iv) An analysis of the effects on global commodity markets of China's growing demand for energy and raw materials.

(v) An examination of whether or not increased United States imports from China reflect displacement of United States imports from third countries or United States domestic production, and the role of intermediate and value-added goods processing in China's pattern of trade.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study carried out under paragraph (1).

SEC. 9. SENSE OF CONGRESS REGARDING EXPANSION OF MEMBERSHIP IN THE AGREEMENT ON GOVERNMENT PROCUREMENT OF THE WTO.

(a) FINDINGS.—Congress finds the following:

(1) Nondiscriminatory, procompetitive, merit-based, and technology-neutral procurement of goods and services is essential so that governments can acquire the best goods to meet their needs for the best value.

(2) The Agreement on Government Procurement (GPA) of the World Trade Organization (WTO) provides a multilateral framework of rights and obligations founded on such principles.

(3) The United States is a member of the GPA, along with Canada, the European Union (including its 25 member States: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Hong Kong, Iceland, Israel, Japan, Korea, Liechtenstein, the Netherlands with respect to Aruba, Norway, Singapore, and Switzerland.

(4) Albania, Bulgaria, Georgia, Jordan, the Kyrgyz Republic, Moldova, Oman, Panama, and Taiwan are currently negotiating to accede to the GPA.

(5) The People's Republic of China joined the WTO in December 2001, signaling to the international community its commitment to greater openness.

(6) When China joined the WTO, it committed, in its protocol of accession, to negotiate entry into the GPA ''as soon as possible''.

(7) More than 3 years after its entry into the WTO, China has not commenced negotiations to join the GPA.

(8) Recent legal developments in China illustrate the importance and urgency of expanding membership in the GPA.

(9) In 2002, China enacted a law on government procurement that incorporates preferences for domestic goods and services.

(10) The first sector for which the Chinese Government has sought to implement the new government procurement law is computer software.

(11) In March 2005 the Chinese Government released draft regulations governing the procurement of computer software.

(12) The draft regulations require that non-Chinese software companies meet conditions relating to outsourcing of software development work to China, technology transfer, and similar requirements, in order to be eligible to participate in the Chinese Government market.

(13) As a result of the proposed regulations, it appears likely that a very substantial amount of American software will be excluded from the government procurement process in China. The draft software regulations threatened to close off a market with a

potential value of more than $8 billion to United States firms.

(14) United States software companies have made a substantial commitment to the Chinese market and have made a substantial contribution to the development of China's software industry.

(15) The outright exclusion of substantial amounts of software not of Chinese origin that is apparently contemplated in the regulations is out of step with domestic preferences that exist in the procurement laws and practices of other WTO member countries, including the United States.

(16) The draft regulations do not adhere to the principles of nondiscriminatory, procompetitive, merit-based, and technology-neutral procurement embodied in the GPA.

(17) The software piracy rate in China has never fallen below 90 percent over the past 10 years.

(18) Chinese Government entities represent a very significant portion of the software market in China that is not dominated by piracy.

(19) The combined effect of rampant software piracy and the proposed discriminatory government procurement regulations will be a nearly impenetrable barrier to market access for the United States software industry in China.

(20) The United States trade deficit with China in 2004 was $162,000,000,000, the highest with any economy in the world, and a 12.4 percent increase over 2003.

(21) China's Premier, Wen Jiabao, has committed to rectify this serious imbalance by increasing China's imports of goods and services from the United States.

(22) The proposed software procurement regulations that were described by the Chinese Government in November 2004 incorporate policies that are fully at odds with Premier Wen's commitment to increase China's imports from the United States, and will add significantly to the trade imbalance between the United States and China.

(23) Once it is fully implemented, the discriminatory aspects of China's government procurement law will apply to all goods and services that the government procures.

(24) Other developing countries may follow the lead of China.

(25) In July 2005, senior officials of the Chinese Government announced at the U.S.-China Joint Committee on Commerce and Trade that China would accelerate its efforts to join the GPA and toward this end will initiate technical consultations with other WTO member countries and accordingly delay issuing draft regulations on software procurement, as it further considers public comments and makes revisions in light of WTO rules.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States should strive to expand membership in the Agreement on Government Procurement of the World Trade Organization (WTO);

(2) the Government of the United States should ensure that the Government of the People's Republic of China meets its WTO obligations as recently affirmed through its commitment in July 2005 through the U.S.-China Joint Committee on Commerce and Trade, to join the WTO Agreement on Government Procurement.

(3) the Government of the United States should seek a commitment from the Government of the People's Republic of China to maintain its suspension of the implementation of its law on government procurement, pending the conclusion of negotiations to accede to the Agreement on Government Procurement of the WTO;

(4) the Government of the United States should seek commitments from the Government of the People's Republic of China and other countries that are not yet members of the Agreement on Government Procurement of the WTO to implement the principles of openness, transparency, fair competition based on merit, nondiscrimination, and accountability in their government procurement as embodied in that agreement; and

(5) the President should direct all appropriate officials of the United States to raise these concerns with appropriate officials of the People's Republic of China and other trading partners.

The SPEAKER pro tempore. The amendment printed in House Report 109–187 is adopted.

The text of H.R. 3283, as amended pursuant to House Resolution 387, is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Trade Rights Enforcement Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States producers that believe they are injured by subsidized imports from nonmarket economy countries have not been able to obtain relief through countervailing duty actions because the Department of Commerce has declined to make countervailing duty determinations for nonmarket economy countries in part because it lacks explicit legal authority to do so;

(2) explicitly making the countervailing duty law under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) applicable to actions by nonmarket economy countries would give United States producers access to import relief measures that directly target government subsidies;

(3) the Bureau of Customs and Border Protection of the Department of Homeland Security has encountered particular problems in collecting countervailing and antidumping duties from new shippers who default on their bonding obligations;

(4) this behavior may detract from the ability of United States companies to recover from competition found to be unfair under international trade laws;

(5) accordingly, it is appropriate, for a test period, to suspend the availability of bonds for new shippers and instead require cash deposits;

(6) more analysis and assessment is needed to determine the appropriate policy to respond to this and other problems experienced in the collection of duties and the impact that policy changes could have on legitimate United States trade and United States trade obligations;

(7) given the developments in the ongoing World Trade Organization (WTO) negotiations relating to trade remedies, Congress reiterates its resolve as expressed in House Concurrent Resolution 262 (107th Congress), which was overwhelmingly approved by the House of Representatives on November 7, 2001, by a vote of 410 to 4;

(8) the United States Trade Representative should monitor compliance by United States trading partners with their trade obligations and systematically identify areas of noncompliance;

(9) the United States Trade Representative should then aggressively resolve noncompliance through consultations with United States trading partners;

(10) however, should efforts to resolve disputes through consultation fail, the United States Trade Representative should vigorously pursue United States rights through dispute settlement in every available forum;

(11) given the huge growth in trade with the People's Republic of China, its impact on the United States economy, and the complaints voiced by many United States interests that China is not complying with its international trade obligations, the United States Trade Representative should place particular emphasis on identifying and resolving disputes with China that limit United States exports, particularly concerning compliance with obligations relating to intellectual property rights and enforcement, tariff and nontariff barriers, subsidies, technical barriers to trade, sanitary and phytosanitary issues, nonmarket-based industrial policies, distribution rights, and regulatory transparency;

(12) in addition, the United States Trade Representative should place particular emphasis on trade barriers imposed by Japan, specifically the Japanese trade ban on United States beef without scientific justification, the Japanese sanitary and phytosanitary restrictions on United States agricultural products, Japanese policies on pharmaceutical and medical device reference pricing, insurance cross-subsidization, and privatization in a variety of sectors that discriminate against United States companies;

(13) the fixed exchange rate that the People's Republic of China has maintained until recently has been a substantial distortion to world markets, blocking the price mechanism, impeding adjustment of international imbalances, and serving as a source of large and increasing risk to the Chinese economy;

(14) such behavior has effectively prevented market forces from operating efficiently in the People's Republic of China, distorting world trade;

(15) in a welcome move, the People's Republic of China has now begun to move to a more flexible exchange rate, and it should continue to so move to a market-based exchange rate as soon as possible;

(16) in light of this recent positive development, the Secretary of Treasury should provide to Congress a periodic assessment of the mechanism adopted by the Chinese Government to relate its currency to a basket of foreign currencies and the degree to which the application of this mechanism moves the currency closer to a market-based representation of its value;

(17) in addition, Japan's policy of intervening to influence the value of its currency and its prolific barriers to trade create distortions that disadvantage United States exporters;

(18) this adverse impact is magnified by Japan's role in the global marketplace, combined with its chronic surplus, weak economy, deflationary economy, low growth rate, and lack of consumer spending; and

(19) accordingly, the United States Trade Representative should have additional resources in the Office of the General Counsel, the Office of Monitoring and Enforcement, the Office of China Affairs, and the Office of Japan, Korea, and APEC Affairs to address a variety of needs that will best enable United States companies, farmers, and workers to benefits from the trade agreements to which the United States has around the world.

SEC. 3. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.

(a) AMENDMENTS.—

(1) COUNTERVAILING DUTIES IMPOSED.—Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting ''(including a nonmarket economy country)'' after ''country'' each place it appears.

(2) DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(E) of such Act (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following new sentences: ''With respect to the People's Republic of China, if the administering authority encounters special difficulties in calculating the amount of a benefit under clause (i), (ii), (iii), or (iv) of this

subparagraph, the administering authority may use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. When applying such methodologies, where practicable, the administering authority should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.''.

(b) PROHIBITION ON DOUBLE COUNTING.—In applying section 701(a)(1) of the Tariff Act of 1930, as amended by subsection (a), to a class or kind of merchandise of a nonmarket economy country, the administering authority shall ensure that—

(1) any countervailable subsidy is not double counted in an antidumping order under section 731 of such Act (19 U.S.C. 1673) on the same class or kind of merchandise of the country; and

(2) the application of section 701(a)(1) of such Act is consistent with the international obligations of the United States.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any petition filed under section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) on or after 30 days after the date of the enactment of this Act, and the provisions contained in subsection (b) apply to any subsequent determination made under section 733, 735, or 751 of such Act (19 U.S.C. 1673b, 1673d, or 1675).

SEC. 4. NEW SHIPPER REVIEW AMENDMENT.

(a) SUSPENSION OF THE AVAILABILITY OF BONDS TO NEW SHIPPERS.—Clause (iii) of section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)(iii)) shall not be effective during the 3-year period beginning on the date of the enactment of this Act.

(b) REPORT ON THE IMPACT OF THE SUSPENSION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of Homeland Security, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing—

(1) recommendations on whether the suspension of the effectiveness of section 751(a)(2)(B)(iii) of the Tariff Act of 1930 should be extended beyond the date provided in subsection (a) of this section; and

(2) assessments of the effectiveness of any administrative measures that have been implemented to address the difficulties giving rise to the suspension under subsection (a) of this section, including—

(A) problems in assuring the collection of antidumping duties on imports from new shippers; and

(B) burdens imposed on legitimate trade and commerce by the suspension of availability of bonds to new shippers by reason of the suspension under subsection (a).

(c) REPORT ON COLLECTION PROBLEMS AND ANALYSIS OF PROPOSED SOLUTIONS.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Commissioner of the Bureau of Customs and Border Protection and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report describing the major problems experienced in the collection of duties, including fraudulent activities intended to avoid payment of duties, with an estimate of the total amount of uncollected duties for the previous fiscal year and a breakdown across product lines describing the reasons duties were uncollected.

(2) RECOMMENDATIONS.—The report shall make recommendations on additional actions to address remaining problems related to duty collections and, for each recommendation, provide an analysis of how the recommendation would address the specific problem or problems cited and the impact that implementing the recommendation would have on international trade and commerce (including any additional costs imposed on United States businesses and whether the implementation of the revision is likely to violate any international trade obligations).

SEC. 5. COMPREHENSIVE MONITORING OF COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA WITH ITS INTERNATIONAL TRADE OBLIGATIONS.

(a) INTELLECTUAL PROPERTY RIGHTS COMPLIANCE.—

(1) IN GENERAL.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic China has taken the following steps:

(A) The Chinese Government has increased the number of civil and criminal prosecutions of intellectual property rights violators by the end of 2005 to a level that significantly decreases the current amount of infringing products for sale within China.

(B) China's Supreme People's Court, Supreme People's Procuratorate, and Ministry of Public Security have issued draft guidelines for public comment to ensure the timely referral of intellectual property rights violations from administrative bodies to criminal prosecution.

(C) The Chinese Ministry of Public Security and the General Administration of Customs have issued regulations to ensure the timely transfer of intellectual property rights cases for criminal investigation.

(D) The Chinese Ministry of Public Security has established a leading group responsible for overall research, planning, and coordination of all intellectual property rights criminal enforcement to ensure a focused and coordinated nationwide enforcement effort.

(E) The Chinese Government has established a bilateral intellectual property rights law enforcement working group in cooperation with the United States whose members will cooperate on enforcement activities to reduce cross-border infringing activities.

(F) The Chinese Government has aggressively countered movie piracy by dedicating enforcement teams to pursue enforcement actions against pirates and has regularly instructed enforcement authorities nationwide that copies of films and audio-visual products still in censorship or import review or otherwise not yet authorized for distribution are deemed pirated and subject to enhanced enforcement.

(G) By the end of 2005, the Chinese Government has completed its legalization program to ensure that all central, provincial, and local government offices are using only licensed software and by the end of 2006 has extended the program to enterprises (including state-owned enterprises).

(H) The Chinese Government, having declared that software end-user piracy is considered to constitute ''harm to the public interest'' and as such will be subject to administrative penalties nationwide, has initiated civil and criminal prosecutions of software end-user violators.

(I) The Chinese Government has appointed an Intellectual Property Rights Ombudsman at the Chinese Embassy in Washington, D.C., to serve as the point of contact for United States companies, particularly small- and medium-sized businesses, seeking to secure and enforce their intellectual property rights in China or experiencing intellectual property rights problems in China.

(J) The relevant Chinese agencies, including the Ministry of Commerce, the China Trademark Office, the State Intellectual Property Office, and the National Copyright Administration of China have significantly improved intellectual property rights enforcement at trade shows and issued new regulations to achieve this goal.

(K) Not later than June 30, 2006, the Chinese State Council has submitted to the National People's Congress the legislative package needed for China to accede to the World Intellectual Property Organization (WIPO) Internet treaties.

(L) The Chinese Government has taken steps to enforce intellectual property right laws against Internet piracy, including through enforcement at Internet cafes.

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(N) The Chinese Government has initiated civil and criminal prosecutions against exporters of infringing recordings.

(2) DISPUTE SETTLEMENT PROCEEDINGS IN WTO.—If the President determines that the People's Republic of China has not met each of the obligations described in subparagraphs (A) through (N) of paragraph (1) or taken steps that result in significant improvements in protection of intellectual property rights in accordance with its trade obligations, then the President shall assign such resources as are necessary to collect evidence of such trade agreement violations for use in dispute settlement proceedings against China in the World Trade Organization.

(b) ACCESS FOR EXPORTS OF UNITED STATES GOODS.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) China has taken steps to ensure that United States products can be freely distributed in China, including by approving a significant backlog of distribution license applications and by preparing a regulatory guide for businesses seeking to acquire distribution rights that expands on the guidelines announced in April 2005.

(2) Chinese officials have permitted all enterprises in China, including those located in bonded zones, to acquire licenses to distribute goods throughout China.

(3) The Chinese Government has submitted regulations on management of direct selling to the Chinese State Council for review and taken any additional steps necessary to provide a legal basis for United States direct sales firms to sell United States goods directly to households in China.

(4) The Chinese Government has issued final regulations on direct selling, including with respect to distribution of imported goods and fixed location requirements.

(c) ACCESS FOR EXPORTS OF UNITED STATES SERVICES.—In accordance with the terms of

the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) The Chinese Government has convened a meeting of the U.S.-China Insurance Dialogue before the end of 2005 to discuss regulatory concerns and barriers to further liberalization of the sector.

(2) The Chinese Government has made senior level officials available to meet under the JCCT Information Technology Working Group to discuss capitalization requirements, resale services, and other issues as agreed to by the two sides.

(d) ACCESS FOR UNITED STATES AGRICULTURE.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Agriculture shall undertake to ensure that the Government of the People's Republic of China has taken the following steps:

(1) China has completed the regulatory approval process for a United States-produced corn biotech variety.

(2) China's Administration of Quality Supervision, Inspection and Quarantine has implemented the 2005 Memorandum of Understanding between the United States and China designed to facilitate cooperation on animal and plant health safety issues and improve efforts to expand United States access to China's markets for agricultural commodities.

(e) ACCOUNTING OF CHINESE SUBSIDIES.—In accordance with the terms of the Agreement of WTO Accession for the People's Republic of China, subsequent agreements by Chinese authorities through the U.S.-China Joint Commission on Commerce and Trade (JCCT), and other obligations by Chinese officials related to its trade obligations, the United States Trade Representative and the Secretary of Commerce shall undertake to ensure that the Government of the People's Republic of China has provided a detailed accounting of its subsidies to the World Trade Organization by the end of 2005.

(f) REPORTS.—

(1) BIANNUAL REPORT.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President should transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(A) a description of the specific steps taken by the Government of the People's Republic of China to meet its obligations described in subsections (a) through (e) of this section (other than obligations described in subsections (a)(1)(A) and (G), (b)(1), (c)(1), and (e));

(B) an analysis of the extent to which Chinese officials are attempting in good faith to meet such obligations; and

(C) a description of the actions, if any, the President will take to obtain compliance by China if the President determines that the Chinese Government is failing to meet such obligations, including pursuing United States rights under the dispute settlement provisions of the World Trade Organization, as appropriate.

(2) MONTHLY REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the President should transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(A) a description of the specific steps taken by the Government of the People's Republic of China to meet its obligations described in subsections (a)(1)(A) and (G), (b)(1), (c)(1), and (e);

(B) an analysis of the extent to which Chinese officials are attempting in good faith to meet such obligations; and

(C) a description of the actions, if any, the President will take to obtain compliance by China if the President determines that the Chinese Government is failing to meet such obligations, including pursuing United States rights under the dispute settlement provisions of the World Trade Organization, as appropriate.

SEC. 6. REPORTS ON CURRENCY MANIPULATION BY FOREIGN COUNTRIES.

(a) REPORT ON CURRENCY MANIPULATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that—

(1) defines currency manipulation;

(2) describes actions of foreign countries that will be considered to be currency manipulation; and

(3) describes how statutory provisions addressing currency manipulation by trading partners of the United States contained in, and relating to, section 40 of the Bretton Woods Agreements Act (22 U.S.C. 286y) and sections 3004 and 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304 and 5305) can be better clarified administratively to provide for improved and more predictable evaluation.

(b) REPORT ON ACTIONS BY CHINA.—

(1) IN GENERAL.—In light of the recent positive announcement by the Government of the People's Republic of China with respect to increased exchange rate flexibility, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that examines the mechanism adopted by the Chinese Government to relate its currency to a basket of foreign currencies and the degree to which the application of this mechanism moves the currency closer to a market-based representation of its value.

(2) DEADLINE.— The initial report required by this subsection shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act and subsequent reports shall be included in the report required under section 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305).

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Ways and Means and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs of the Senate

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 141(g)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) $44,779,000 for fiscal year 2006.

''(ii) $47,018,000 for fiscal year 2007.''.

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the availability of funds appropriated pursuant to section 141(g)(1)(A) of the Trade Act of 1974 before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE GENERAL COUNSEL AND CERTAIN OTHER OFFICES.—There are authorized to be appropriated to the Office of the United States Trade Representative for the appointment of additional staff in or enhanced activities by the Office of the General Counsel, the Office of Monitoring and Enforcement, the Office of China Affairs, and the Office of Japan, Korea, and APEC Affairs—

(1) $4,000,000 for fiscal year 2006; and

(2) $4,000,000 for fiscal year 2007.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the enforcement of United States rights and of obligations of United States trading partners under trade agreements has gained such significance that the United States Trade Representative should determine which of its current positions is most responsible for carrying out these important enforcement duties and should assign that position, in addition to any other title, the title of Chief Enforcement Officer.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) $62,752,000 for fiscal year 2006.

''(ii) $65,890,000 for fiscal year 2007.''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of funds appropriated pursuant to section section 330(e)(2)(A) of the Tariff Act of 1930 before the date of the enactment of this Act.

(c) STUDY AND REPORT ON TRADE AND ECONOMIC RELATIONS WITH CHINA.—

(1) STUDY.—

(A) IN GENERAL.—The United States International Trade Commission shall carry out a comprehensive study on trade and economic relations between the United States and the People's Republic of China which addresses China's economic policies, including its exchange rate policy, the competitiveness of its industries, the composition and nature of its trade patterns, and other elements impacting the United States trade account, industry, competitiveness, and employment.

(B) REQUIREMENTS.—In carrying out the study under subparagraph (A), the United States International Trade Commission shall undertake the following:

(i) An analysis of the United States trade and investment relationship with China, with a focus on the United States-China trade balance and trends affecting particular industries, products, and sectors in agriculture, manufacturing, and services. The analysis shall provide context for understanding the U.S.-China trade and investment relationship, by including information regarding China's economic relationships with third countries and China's changing policy regime and business environment. The analysis shall include a focus on United States-China trade in goods and services, United States direct investment in China, China's foreign direct investment in the United States, and the relationship between trade and investment. The analysis shall make adjustments, where possible, for merchandise passed through Hong Kong.

(ii) An analysis of the competitive conditions in China affecting United States exports and United States direct investment. The analysis shall take into account, to the extent feasible, significant factors including tariffs and non-tariff measures, competition from Chinese domestic firms and foreign-

based companies operating in China, the Chinese regulatory environment, including specific regulations and overall regulatory transparency, and other Chinese industrial and financial policies. In addition, the analysis shall examine the specific competitive conditions facing United States producers in key industries, products, services, and sectors, potentially including computer and telecommunications hardware, textiles, grains, cotton, and financial services based on trade and investment flows.

(iii) An examination of the role and importance of intellectual property rights issues, such as patents, copyrights, and licensing, in specific industries in China, including the pharmaceutical industry, the software industry, and the entertainment industry.

(iv) An analysis of the effects on global commodity markets of China's growing demand for energy and raw materials.

(v) An examination of whether or not increased United States imports from China reflect displacement of United States imports from third countries or United States domestic production, and the role of intermediate and value-added goods processing in China's pattern of trade.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study carried out under paragraph (1).

SEC. 9. SENSE OF CONGRESS REGARDING EXPANSION OF MEMBERSHIP IN THE AGREEMENT ON GOVERNMENT PROCUREMENT OF THE WTO.

(a) FINDINGS.—Congress finds the following:

(1) Nondiscriminatory, procompetitive, merit-based, and technology-neutral procurement of goods and services is essential so that governments can acquire the best goods to meet their needs for the best value.

(2) The Agreement on Government Procurement (GPA) of the World Trade Organization (WTO) provides a multilateral framework of rights and obligations founded on such principles.

(3) The United States is a member of the GPA, along with Canada, the European Union (including its 25 member States: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Hong Kong, Iceland, Israel, Japan, Korea, Liechtenstein, the Netherlands with respect to Aruba, Norway, Singapore, and Switzerland.

(4) Albania, Bulgaria, Georgia, Jordan, the Kyrgyz Republic, Moldova, Oman, Panama, and Taiwan are currently negotiating to accede to the GPA.

(5) The People's Republic of China joined the WTO in December 2001, signaling to the international community its commitment to greater openness.

(6) When China joined the WTO, it committed, in its protocol of accession, to negotiate entry into the GPA ''as soon as possible''.

(7) More than 3 years after its entry into the WTO, China has not commenced negotiations to join the GPA.

(8) Recent legal developments in China illustrate the importance and urgency of expanding membership in the GPA.

(9) In 2002, China enacted a law on government procurement that incorporates preferences for domestic goods and services.

(10) The first sector for which the Chinese Government has sought to implement the new government procurement law is computer software.

(11) In March 2005 the Chinese Government released draft regulations governing the procurement of computer software.

(12) The draft regulations require that non-Chinese software companies meet conditions relating to outsourcing of software development work to China, technology transfer, and similar requirements, in order to be eligible to participate in the Chinese Government market.

(13) As a result of the proposed regulations, it appears likely that a very substantial amount of American software will be excluded from the government procurement process in China. The draft software regulations threatened to close off a market with a potential value of more than $8 billion to United States firms.

(14) United States software companies have made a substantial commitment to the Chinese market and have made a substantial contribution to the development of China's software industry.

(15) The outright exclusion of substantial amounts of software not of Chinese origin that is apparently contemplated in the regulations is out of step with domestic preferences that exist in the procurement laws and practices of other WTO member countries, including the United States.

(16) The draft regulations do not adhere to the principles of nondiscriminatory, procompetitive, merit-based, and technology-neutral procurement embodied in the GPA.

(17) The software piracy rate in China has never fallen below 90 percent over the past 10 years.

(18) Chinese Government entities represent a very significant portion of the software market in China that is not dominated by piracy.

(19) The combined effect of rampant software piracy and the proposed discriminatory government procurement regulations will be a nearly impenetrable barrier to market access for the United States software industry in China.

(20) The United States trade deficit with China in 2004 was $162,000,000,000, the highest with any economy in the world, and a 12.4 percent increase over 2003.

(21) China's Premier, Wen Jiabao, has committed to rectify this serious imbalance by increasing China's imports of goods and services from the United States.

(22) The proposed software procurement regulations that were described by the Chinese Government in November 2004 incorporate policies that are fully at odds with Premier Wen's commitment to increase China's imports from the United States, and will add significantly to the trade imbalance between the United States and China.

(23) Once it is fully implemented, the discriminatory aspects of China's government procurement law will apply to all goods and services that the government procures.

(24) Other developing countries may follow the lead of China.

(25) In July 2005, senior officials of the Chinese Government announced at the U.S.-China Joint Committee on Commerce and Trade that China would accelerate its efforts to join the GPA and toward this end will initiate technical consultations with other WTO member countries and accordingly delay issuing draft regulations on software procurement, as it further considers public comments and makes revisions in light of WTO rules.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States should strive to expand membership in the Agreement on Government Procurement of the World Trade Organization (WTO);

(2) the Government of the United States should ensure that the Government of the People's Republic of China meets its WTO obligations as recently affirmed through its commitment in July 2005 through the U.S.-China Joint Committee on Commerce and Trade, to join the WTO Agreement on Government Procurement.

(3) the Government of the United States should seek a commitment from the Government of the People's Republic of China to maintain its suspension of the implementation of its law on government procurement, pending the conclusion of negotiations to accede to the Agreement on Government Procurement of the WTO;

(4) the Government of the United States should seek commitments from the Government of the People's Republic of China and other countries that are not yet members of the Agreement on Government Procurement of the WTO to implement the principles of openness, transparency, fair competition based on merit, nondiscrimination, and accountability in their government procurement as embodied in that agreement; and

(5) the President should direct all appropriate officials of the United States to raise these concerns with appropriate officials of the People's Republic of China and other trading partners.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Maryland (Mr. CARDIN) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House has yet another opportunity to vote on a very important bill, which, in my view, takes the largest step towards strengthening our trade remedy laws in over 15 years.

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Madam Speaker, this bill is a comprehensive approach toward eliminating many of the inequities that exist in our existing trade relationships, and particularly the U.S.-China bilateral trade relationship. This legislation would hold China accountable and create tough mechanisms to ensure compliance, providing tools for us to use to gain compliance, should China fail to do so, on its fundamental trade obligations.

Voting for this bill today, Madam Speaker, will send a strong signal to Beijing that Congress will not sit idly by while China's mercantilist trade policy injures U.S. employers and destroys jobs, particularly in our vital manufacturing sector. Voting for this bill today, Madam Speaker, will send a strong signal to China and to every country that this Congress will do what it takes to ensure that our trading partners fully abide by the rules and are not rewarded with unfettered access to our market when they are not prepared to make the tough choices that they are obligated to, to follow the rules.

Let me make it very clear, given the experience with this bill with the minority as this bill was brought up yesterday, it has to be clear, Madam

Speaker, that voting against this bill will send a dangerous signal that this Congress is willing to turn a blind eye to Chinese complacency, and we continue with the status quo which, ultimately, puts many of our most important parts of the economy at risk.

I believe this bill is strong, responsible, and comprehensive. This legislation would, among other things, close an existing loophole which bars the use of the countervailing duty law against nonmarket economies such as China. Right now a major tool in our arsenal is unavailable when dealing with Communist countries. To my mind, it is absurd that when we are able to determine that products come in from France, Japan, Brazil, or Taiwan containing subsidies, we can use the countervailing duty law to strip the benefits of those subsidies, but, by contrast, we cannot do so if we discover that China or Vietnam have subsidized products that are entering our market.

This is an absurd situation. It is one that is the result of a court decision from the 1980s, the so-called Georgetown case, and for years I have advocated that we close this loophole. This is the core of this bill and the single most important reform that we have included.

Second of all, this bill would establish a strong and external system to audit China on its compliance with trade obligations on important issues like intellectual property rights, market access, and transparency. What is more, this legislation would place Congress strongly on record as opposing attempts to use the WTO to water down our domestic trade law protections.

This legislation would require the Treasury Department to define currency manipulation and clarify legal protections against China, an important initiative and language that we have refined in light of the developments of a week ago in Chinese currency policy.

This legislation would also authorize increased funding for the United States Trade Representative to create more trade cops to improve enforcement of existing trade laws.

This legislation would also replace the current bonds that are used by new shippers and antidumping cases with cash deposits, and, over the next 3 years, in a sunset situation, would effectively close a loophole that particularly the Chinese have been using to avoid antidumping penalties in certain cases.

Finally, this legislation would authorize funding for the International Trade Commission to provide help in expediting its dealings with all trade issues.

This is a responsible, WTO-consistent initiative that I realize has been described by the other side as a fig leaf, a smoke screen, or something else. I must say, this is very much a mainstream initiative that is designed to show the strongest possible support in this Chamber for challenging China on its mercantilist trade policies.

I regret the vote of yesterday in which I think, in a very shortsighted fashion, many in the minority chose to put up a vote to slow us down here and, in the process, reduce the opportunity, if not eliminate the opportunity, for quick Senate action on this bill. I believe we should have voted yesterday to pass this bill. But the other side has one more opportunity to set the record right and make very clear that they are prepared to work with us to deal with the problem of China trade.

I believe that passage of this legislation is essential for the economic future of the next generation, for the future of good-paying jobs in places like my native northwestern Pennsylvania, where we make things for a living, and we need to get this policy right. That is why I strongly urge my colleagues to support and swiftly pass this important measure.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I normally am in agreement with my friend, the gentleman from Pennsylvania, when it comes to antidumping and countervailing duty laws. We have worked together to try to improve those laws. But I disagree with him in regards to this legislation.

Madam Speaker, I disagree with the gentleman's assessment of this legislation. I think it is an inconsequential bill. I do not believe it will do very much one way or the other. It will certainly not hold China accountable. There is nothing in this bill that would hold China accountable for its violations of its international trade obligations.

So, Madam Speaker, let me try to get the Members to focus on what is in this bill and not what people who may be coming to this well say is in this bill. I would urge my colleagues to please read the legislation that is before us. It is not the original bill that was filed by the gentleman from Pennsylvania (Mr. ENGLISH), a bill that was supported by the industry, that would have extended countervailing duty laws to China and nonmarket economies. Instead, what this bill does in section 2 is a ''sense of Congress.'' Now, a sense of Congress resolution is exactly that. It expresses our concerns, but takes no action.

The first section that takes any action at all in changing law is section 3, and section 3 does deal with the countervailing duty provisions. It extends countervailing duties to nonmarket economies. That is good. Countervailing duties are imposed when a country inappropriately subsidizes its products that go into international trade. And China and nonmarket economies should be held to our countervailing duty laws. Unfortunately, they are not today.

The problem is that the amended bill then puts 2 hurdles in being able to apply those countervailing duty provisions. It first does what is known as double-counting and prevents from using on the countervailing duties the import and export subsidies by the country involved. Now, that is a different standard than we have for market economies, where you only have to double-count export subsidies. The change here is dramatic, and that is why the industries that are affected by the countervailing duty statute that we would hope would help in regards to China oppose this provision.

Nu Car, which is one of the companies that asked us to apply the countervailing duty law to China, has written us in opposition to this section, because it will not help them remedy the situation of subsidized product coming from China into the United States. That is why the Committee to Support U.S. Trade Laws, the committee of business groups that have joined together in order to strengthen our antidumping and countervailing duty laws, oppose this section. It will not help companies that are hurt by subsidized, manufactured product coming into the United States. That is section 3. That is why I say, you try to help in one respect, but you take it away by putting obstacles in the way.

You also put a second test that is not currently required, a certification of compliance of international law. That is not required today for a market economy violation for us to file a countervailing duty claim. That is section 3.

Let us go to section 4. Section 4 deals with the new shipper review amendment. Well, here we have a problem with Chinese exporters who are not getting an adequate security when they come into our market. You provided a temporary fix for 3 years. We should do it permanently. It should be done permanently.

Going to section 5, section 5 talks about monitoring compliance with the People's Republic of China with international trade obligations. Read what is here. There is no action. There is review, but no action. We should not be doing this now, the review. The administration does this already. There is nothing new that is added to the requirements that we are going to be able to take action against China for violating intellectual property rights or access to market for services, or access to market for goods. We should be taking action under our safeguards in that regard. But no, there is no action at all taken in section 5. If I am wrong, please correct me on this point.

Then we move to section 6. Section 6 is probably the most egregious section in the bill: report on currency manipulation by foreign countries. Read it. It is only a couple lines. You are asking Treasury to define currency manipulation. We have already had Treasury report to us and fail to take action against China. China is manipulating its currency. We all know that. So why do we not take action against China?

No. This bill does, again, nothing in regards to China currency.

Then, in section 7, you talk about providing more money for the USTR. You are not providing more money for the USTR. The amount that you have here in authorized levels has already been provided in the appropriations bill. There is no new money here.

Then, in section 8, you talk about more money for the U.S. International Trade Commission. Again, it is equal to the amount that we have already provided through the appropriation process. There is no new money here in either section 7 or section 8.

I want to give you credit in section 9, talking about sense of Congress regarding the expansion of membership in the agreement on government procurement of the WTO. I support that section. I think we should be asking for broader participation in government procurement under the WTO. No action here again, strictly a sense of Congress.

So, Madam Speaker, I take this time to go through section by section because I challenge Members who come and speak on this bill to please speak about the facts of what is in this bill. There are only two sections that actually provide any change in law or action. One deals with countervailing duty, and I have already pointed out how there is negative along with the positive, and the other deals with a temporary fix of the exporter license issue, which is certainly not the major problem that we are having with China today.

As I said earlier, this bill is a missed opportunity. It is a missed opportunity because the overwhelming majority of the Members of this body would like to vote on a bill that would provide real relief to the problems that we have in China living up to its international trade responsibilities. That legislation just happens to be H.R. 3306, which has been introduced by the gentleman from New York (Mr. RANGEL). I regret that we do not have an opportunity to debate that bill and do what is right for the people of this country in enforcing our trade rules against the People's Republic of China.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself 1½ minutes, first off, to invite my opponent, or my colleague, to actually read the bill.

I think this is sort of amusing. He criticizes us for dealing with the problem of double-counting, and yet the GAO conceded that this was a serious problem. Our bill has dealt with it directly, and this is an issue I have been involved in for years, and, honestly, our friends from the Committee on Ways and Means on the other side have not been.

Yes, our language encourages compliance with the WTO, but it is not self-executing, so I think that is actually a good thing.

He criticizes us for having a sunset on bonds. I thought the other side loved sunset provisions, particularly in the PATRIOT Act. We need to revisit this issue in a few years and see if it is having a negative impact.

We also, may I point out, do require the Treasury to revisit its current definition on currency manipulation, which, I would submit, is the principal problem with the application of the current law as it applies to currency manipulation.

□ 1515

Finally, we authorize funds, which is within the jurisdiction of our committee. Their bill does not authorize funds. In my view it is appropriate for us to specify through the authorization process how USTR is going to apply this money to new trade cops.

And, finally, may I point out, the gentleman claims that people in affected industries are opposing this legislation. Actually, this has been endorsed by the National Association of Manufacturers, the American Forest and Paper Association, the Forging Industry Association, the North American Die Casting Association, the Industrial Fasteners Institute, and the Vanadium Producers and Reclaimers Association.

The final point I would make is that when it comes to government procurement, we lifted Mr. RANGEL's provisions. So I am not sure where their criticism is coming from.

Madam Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Madam Speaker, I come to the well again, and it seems like only yesterday we were here. In fact, it was yesterday, was it not? And, Madam Speaker, I think we have just seen why my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), is one of the most able members of the Ways and Means Committee, because he put to rest many of the criticisms offered by my friend, the gentleman from Maryland (Mr. CARDIN).

It was interesting to pick up on one of the criticisms. Let us just deal with it, lamenting the fact that this bill conveys a sense of Congress to the People's Republic of China, that it carries little consequence.

Well, I would invite every Member of this House, including my colleague from Maryland, to think back just a couple of weeks ago when a bipartisan sense of the Congress was offered on this floor from Democrats and Republicans alike, dealing with a possible Chinese purchase of Unocal.

It so incensed the Chinese Government, they told us to butt out. Now, that is very interesting, because if it is only a sense of the Congress, if it is only a useless exercise, it certainly awakened those in the Chinese Polit Bureau in Beijing; and I stand in this well again supporting this legislation today because the facts have not changed from yesterday.

The fact is, this legislation puts the Communist Chinese on notice: if you want to get in the game, you better start playing by the rules. And, Madam Speaker, I say this in all candor. As one who opposed the most favored nation trade status for China, I believe this is important legislation. At the end of the day, this is the dilemma for my friends on the other side: Does the upcoming midterm election and political posturing win out to make the perfect the enemy of the good, or do they stand with us, as they did in this well 2 weeks ago, not only conveying the sense of Congress, but putting teeth behind our policy to tell the Chinese enough is enough?

Support this legislation. Do not deal with domestic political obstruction. Strike a blow for freedom and putting Communist China on notice.

Mr. CARDIN. Madam Speaker, I yield myself 30 seconds to respond to the gentleman from Pennsylvania (Mr. ENGLISH).

I think the gentleman pointed out that there are no sections other than the two I mentioned that are action sections in your bill. And I point out again that the double-counting provision will make the application of countervailing duties much more difficult, if not impossible, in a nonmarket economy; and that is not helpful to companies that have been hurt by subsidized products coming from China.

Madam Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, the Republicans have another installment in their blame game before us today. The trade deficit is rising higher and faster than the Space Shuttle because of policies blasted through the Congress by the Republicans. But they want to blame someone else. They say it is the fault of the Chinese, failing to remember their massive cuts in education and job training programs. They fail to remember that our trade deficit occurred because foreigners are financing our budget deficit.

When the Republicans took control of the Congress over a decade ago, they came in as the party of free trade and free enterprise and balanced budgets. Well, now we have got companies and workers racing out of this country because of high energy and high health care costs. We have got employers leaving this country because they cannot find better skilled employees in this country than they can find elsewhere. And what do the Republicans do?

They blame the patients and the courts for higher health care costs. They blame environmentalists for the high price of crude oil, and they blame workers when their jobs are outsourced. They blame everyone but themselves for our problems and avoid doing anything that can improve the situation. And that is what this bill is today.

This bill does not really require the administration to do anything to level

the playing field with China. Does this bill invest in the American workforce so they can better compete in the global economy? The answer is no.

Does this bill do something about the explosive energy prices that eat away at our competitiveness? No. Does this bill significantly invest in research and development so that the new services and products consumed around the world are created here at home by Americans? The answer is no.

And does this bill do anything to combat health care costs that are spiraling out of control and force companies to reconsider whether they want to incorporate here or in Canada? The answer is no. Does this bill do anything to improve the security of America's working people? The answer is no.

This is just a mechanism the Republicans would use to point their fingers elsewhere, to China. They will not even put this bill before the Ways and Means Committee for an honest discussion. That is because this bill is not about solving America's problems or supporting America's workers. It is to make the workers believe that they are supporting them.

This bill is about bashing the Chinese in order to divert attention from the fact that the next bill up is CAFTA. The Republicans have ignored making America competitive in the world economy. This is a sop. This bill is out here first for a sop, for those Members who are going to vote for CAFTA, but want something to balance it off when they go home.

I was strong against China, but I did shift some stuff down to Central America; but please do not hold that against me, because I was strong against China. This is a sop. There are no teeth in this. There are no teeth at all. This is simply China bashing. And that does not make us more competitive in the world, and it does not make us deal with our deficit.

We have to deal with the budget in this country if we are going to be serious about the Chinese investing in our bonds. They own big chunks of America, and they are going to continue it as long as the Republicans run the kind of deficits that they seem to think do not make any difference any more.

I remember guys out here talking about, oh, my goodness, we have to have a balanced budget amendment. This country is going to go to the dogs if we do not have a balanced budget amendment. Then they got in charge, and they started spending like there was no end to their credit card. Stop it. Do not bash the Chinese.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Madam Speaker, I thank the gentleman for yielding me this time.

Clearly, I am in support of the U.S. Trade Rights Enforcement Act; and as yesterday, I stood somewhat flummoxed at the lack of support on the other side of the aisle where they claim to care about workers in the United States, but will not support this legislation.

I stand here again to explain how this certainly is the best way available to us today to help workers in the United States. I visit many plants in the communities I represent in western Pennsylvania; and when people talk to me about their top issue, there are several, but one that always recurs, no matter the size of the manufacturer, are concerns about China.

Their concerns deal with market access, they deal with piracy of products, they deal with dumping of products in the American market, and they deal with Chinese currency manipulation. Our U.S. Government has put a significant amount of pressure on China, but not enough.

This bill gives our government the tools to put that real pressure on China and to actually deal with them. It gives them teeth. Currently, U.S. companies can only file antidumping trade cases against companies in market economies. We need to deal with nonmarket economies like China. This bill helps us to do that. The other issue of piracy is one that we have struggled with in the Judiciary Committee trying to find ways to protect the intellectual property that we create here in the United States to make sure that those creators get the benefit of their ideas.

We have now under this bill tools to fight piracy, to enforce our laws; dumping of products, a huge concern for manufacturers, especially of commodity products. This bill helps us deal with dumping. Finally, China made a step in the right direction on currency manipulation last week.

This bill helps us to monitor the results of what they have done and to push them to do even more to make sure that their currency floats. This legislation, the United States Trade Rights Enforcement Act, is a very broad and very helpful piece of legislation to our manufacturers, our farmers and our service providers in the United States. It will help us get into that economy in China to sell our products there, to protect our products that are created here. It will monitor their system. It will enforce the laws that they have agreed to follow.

It gives our United States Trade Representative the opportunity to make sure that the atmosphere here in the United States only gets better and our access to Chinese markets improves significantly.

Mr. CARDIN. Madam Speaker, I yield myself 30 seconds just to respond to gentlewoman's comments.

Madam Speaker, there is nothing in this bill that deals with dumping and enforcement in China. There is nothing in this bill that takes action against China for currency manipulation. And there is nothing in this bill that takes action against China for intellectual property failures. On the countervailing duties, I have already commented on that.

Madam Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. LEVIN), the former ranking Democrat on trade, the senior member of the Ways and Means Committee.

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

Mr. LEVIN. Madam Speaker, the gentleman from Maryland (Mr. CARDIN) has done such a splendid job, I am not sure what more needs to be said.

Mr. CARDIN, you want me to say it again.

You and I have spoken on this earlier, and it is unbelievable the hyperbole that we hear. I mean, if people want to vote for hyperbole, I guess this is a good way to do it. If they want to vote for this as a balance to vote for CAFTA, my suggestion is no one is going to buy that. They are going to see right through it.

I mean, you already responded. It has been said that there are tools here. I mean, I have been looking in this bill. You have read it carefully. And you have not been able to find the tool.

And I looked at it, and I cannot find anything that resembles a tool to do anything. On piracy, I am not sure what we are talking about. It is an immense problem. This administration has had years to do something about it, years. When I was last in China, I walked out of the hotel for the first time and immediately someone said, I have got a DVD, it is brand new, for $1. And I said, I do not want it. And the gentleman was kind of insulted that I did not want to buy a DVD that was brand new for just a buck.

You come here with all of these problems and say this bill is going to do anything about that? Really? On currency, it is mind-boggling.

□ 1530

You say you want reports. You want reports. Every 6 months the Treasury Department sends us a report. How thick is it? I forget. They are like this or like this. If we had brought these reports over from the last few years, I would guess they would be maybe a foot and a half high.

I say to the gentleman from Pennsylvania (Mr. ENGLISH), we do not need reports. We need some serious discussion and then action in this place. And I read the sense of the Congress provisions. The hyperbole we hear is that we are somehow going to impact somebody, I will use that word carefully.

I read, for example, subparagraph 12, regarding Japan. This is in section 2, sense of the Congress. It says: In addition the USTR should place particular emphasis on trade barriers imposed by Japan.

My word, we need more than words. We have been urging this administration to take action against nontariff barriers put up by Japan from the day they came into office, and nothing has happened. And you think some words here will impact?

I close with a comment about the bonds. Look, I remember sitting in the Committee on Ways and Means years ago talking about this problem, and it was only within the last 12 months that once again we asked the majority to take action against this evasion, and you refused to do it. So now you come here with something that is temporary. Why not make it permanent? We have been studying this darn problem for years. This is such a lame bill that it does not really get out of the starting gate.

So do not paint this as what it is not. Do not paint this as some turning point. What this is more than anything else is an effort to say to some people, we will give you this vote in return for your vote on CAFTA. Some people have been biting on that apple. Do not do it.

If you want to vote for a bill that is so short of what we have introduced, and by the way, I say to the gentleman from Florida (Mr. SHAW), it does not violate the WTO requirements in any respects, the bill of the gentleman from New York (Mr. RANGEL). If you want to vote for this thinking it does something, go ahead. Do not vote for it as an excuse to vote for something else.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself 45 seconds.

First of all, if I am guilty of hyperbole, that certainly was not my intent.

I would also like to point out there are some that share my view of the importance of this legislation. Endorsing this bill from the National Association of Manufacturers, John Engler, their president, wrote, This bill would give U.S. companies the ability to offset unfair subsidies that benefit many of their competitors in China and other nations. For the first time, it will give Americans the same trade rights guaranteed to others under the World Trade Organization rules.

For those who wonder why the other side voted en masse against this bill yesterday, in today's Hill, according to the spokesman for the Ways and Means Democrats, ''The minority's near unified opposition to the bill stemmed as much from its role in the CAFTA battle as from the strength of its content.''

Now that to me is cynicism, and I think puts it into context.

Madam Speaker, I yield 4 minutes to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. SHAW. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time, and I congratulate him on his leadership for bringing this bill to the floor.

My friend from Michigan who just left the well has been critical of this bill regarding to intellectual property rights. Well, sometimes we should go to the bill and read the bill. And I am going to read it. It says, ''Dispute settlement proceedings in World Trade Organization. If the President determines that the People's Republic of China has not met each of the obligations described in A through N, paragraph one,'' and that is the provision in there that talks about the trade obligations. It then goes on to say, ''or taken steps that result in significant improvements or protection of intellectual property rights in accordance with its trade obligations, then the President shall assign such resources as necessary to collect such evidence of trade agreement violations for use in dispute settlement agreements against China in the World Trade Organization.''

In other words, it says the President will proceed in accordance with the law through the World Trade Organization to obtain sanctions. That is what the World Trade Organization is about. It is not about unilateral sanctions. It is simply about that.

This bill has got a lot of teeth in it, and for anyone to get to the well and say, hey, this does not have teeth in it really is misstating what this bill actually does. It takes us a long way down the road in solving some of the problems with China.

This is not the end of the legislative process as it relates to China. I think every Member of this Congress should know that. This does not cut off further debate on China. This does not cut off or set aside the possibility of new legislation dealing with the problems of China. We are all concerned about the tremendous increase in the deficit as it goes from China, but most of that deficit, if not all of it, is actually taking trade out of Japan and taking it out of Korea, South Korea.

When you look at the trade deficit as it is to that part of the world, it is pretty flat. But China's part is increasing, and the other countries' are decreasing. That is concern for alarm. And I am concerned about some of the trade practices of China which are very sloppy and, quite frankly, not dealing entirely honestly with the trading partners.

So I would ask that Members put aside the politics and all the rhetoric, read the bill. If you like what is in the bill, it moves us further down the road. If you do not think we have gone far enough, that does not mean that you vote no on this particular bill. If you are interested in going forward with legislation that will control the violation of law committed by China, vote yes.

Mr. CARDIN. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, in response to my friend from Florida's (Mr. SHAW) comments on the intellectual property problems that we are having with China, and they are substantial, China is violating intellectual property rights every day not only with videos and tapes, but also with industrial products. Listen to what the gentleman from Florida (Mr. SHAW) said. Listen to the action required by the President if China violates intellectual property to gather information.

We already have that, Madam Speaker. Action is filing a claim under the WTO. That is following the requirements of the WTO dispute settlement resolution process. There is no action whatsoever in this bill. The gentleman from Michigan (Mr. LEVIN) got it right. This is a bill about saying things about China that people might feel good about. And if you are so inclined to feel good about it and want to vote for it, fine. But to say that this is taking action against China is just wrong. It does not take action against China.

The administration tomorrow could file a claim against China on intellectual property against China if it wanted to, and it should have. The administration yesterday should have filed claims against China for currency manipulation, and it has not, and then allow the WTO process to proceed. But for us to say that we are requiring the administration to make a finding and then collect information which they already have is being tough on China, come on now. Let us be straightforward on this bill.

It is a bill that says things about China that many Members might feel good about, but as far as taking action against China, this bill comes out short.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Pennsylvania (Mr. ENGLISH) has 14 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 12 minutes remaining.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), a very distinguished Member of the House, who in a short period of time has become a real fighter for fair trade.

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

Mr. TURNER. Madam Speaker, I support H.R. 3283, the United States Trade Rights Enforcement Act, because it is necessary to send a strong message to foreign governments who are unfairly dumping product on our shores and manipulating their currency rates.

In June, I hosted my second Manufacturing and Jobs Forum in my district. I invited manufacturers from southwest Ohio to share their concerns about their businesses. The gentleman from Pennsylvania (Mr. ENGLISH) joined me for my first forum, and the gentleman from Illinois (Mr. MANZULLO) joined me in Dayton for the second forum. I would like to thank both gentlemen for their leadership on the issue of trade fairness.

Madam Speaker, the manufacturers I spoke with during both forums shared a common concern about the survival of their businesses, the American economy, and unfair trade practices of China, including the undervaluing of

China's currency. Congress must continue to work to level the playing field for manufacturers.

Last Thursday the Chinese Government announced that they would no longer peg their currency to the American dollar. Chinese currency will be given room to float among a bundle of foreign currency rates. Mr. Speaker, this is an important first step; however, this adjustment will still result in an undervalued Chinese currency.

H.R. 3283 will take further steps to enforce our trade rights. H.R. 3283 will require the Secretary of the Treasury to submit a report to Congress defining currency manipulation and describing the actions of foreign countries who are manipulating their currency. This important provision, along with others included in the bill, will help Ohio manufacturers who are continually harmed by unfair trade practices. I urge my colleagues to vote for this bill.

Mr. CARDIN. Madam Speaker, I yield myself 2 minutes. In response on the currency issue, section 6 in this legislation deals with currency manipulation. It does not deal with China specifically. And it requires the Secretary of the Treasury to define currency manipulation and describe actions of foreign countries that will be considered to be currency manipulation.

The problem is Treasury has already done this and found that China was not manipulating its currency despite the fact that we know it undervalues its currency between 15 percent and 40 percent. So I appreciate the gentleman's concern about the competitive problems that we have with American manufacturers and producers trying to compete with an undervalued Chinese currency, but this bill comes up very short.

But I very much appreciate what the gentleman said because we will be come back in a little bit and offer him an opportunity to really do something about the manipulation of China's currency.

Madam Speaker, let me also point out while I am on the floor that legislation filed by the gentleman from New York (Mr. RANGEL), H.R. 3306, would take action in this area by requiring the administration to initiate a WTO action to address China's currency manipulation.

Now, that would bring action consistent with our obligations under the World Trade Organization because we would act under the World Trade Organization. That is what we should be doing.

Let me suggest that when you file an action under the WTO, it is not the end of issues, it is the beginning of a process. To ask the Secretary of the Treasury to do another study or come up with another definition, all we do is delay for another year any action against China. And to suggest that there are minor adjustments that they made is in any way dealing with the underlying problems of currency manipulation is just unreal. China announced today that they do not intend to do more. So we need to take action against China.

□ 1545

American jobs are at stake. We can compete if it is on a fair, level playing field. It is not. This bill does not deal with the China currency issue.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself 1½ minutes to clarify a few points raised by the gentleman from Maryland (Mr. CARDIN) and the prior speaker.

First of all, this legislation does have a significant approach not only to dealing with some of the loopholes in the antidumping, as spoken for in the bond provision, but also dealing with the problem of subsidies, where we do not apply countervailing duties in cases where communist countries are found to be sending products into our market currently. I believe, as I will make clear in a colloquy in a few minutes, that this language does not create additional loopholes but, in fact, I think provides a real and substantial solution.

I would also point out that this legislation does do something meaningful on the currency issue by requiring the Treasury to revisit how they define currency. I will concede in the bill that was belatedly filed by the other side, when we had already announced our bill, there is a provision using a 301 to deal with currency. But I must tell you, Madam Speaker, that even that procedure has a potential loophole to allow an administration to wiggle out. So substantively, it is not clear to me there is a major difference.

I believe with the limited move forward that China has already evidenced, the time has come to give them an opportunity to indicate to us by action whether they are sincere or not. I think the currency language in our bill is adequate to allow that to happen.

Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), who in two terms in the House has already made clear he is a leader on trade issues and on economic issues.

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding me this time, and I want to thank my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), for introducing H.R. 3283, the United States Trade Enforcement Act. I believe this legislation is a positive step in addressing our trade discrepancies with the People's Republic of China; and, yes, it does serve as a great precursor for the debate on the Dominican Republic and Central American Free Trade Agreement.

The district I represent in western Georgia has a rich history of manufacturing textiles from the Swift Denim Company in Columbus, Georgia, to Mt. Vernon Mills in Trion, Georgia, which has been in business since the 1840s and currently employs 1,800 associates. The textile industry, Madam Speaker, continues to provide quality jobs for the citizens of Georgia's 11th Congressional District. I make this point because many of these employees have established a culture and a community around textile manufacturing.

Although the administration is working diligently to enforce our trade policies, I remain concerned that our country has not taken the most aggressive position needed to prevent the People's Republic of China or any other nation from ignoring their trade responsibilities and agreements. If we continue to allow abuses such as currency manipulation and violations of intellectual property rights, an entire way of life in these textile communities will be endangered. When ratifying trade agreements, it is important to encourage both free and fair trade. We cannot afford to lose any more textile jobs, especially those lost due to the unfair practices of the Communist Government on Mainland China.

Madam Speaker, I encourage the passage of H.R. 3283 mandating stronger enforcement of our trade policies.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP) in order to engage in a colloquy on some of the issues raised by this debate.

Mr. BISHOP of Utah. Madam Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

The legislation drafted by the gentleman specifies that the Commerce Department shall ensure that the application of countervailing duty law to nonmarket economies is consistent with international obligations to the United States. Some Members have expressed concern that this legislation would give the WTO special influence over U.S. law. Is that true?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. No, and I thank the gentleman for raising this issue, Madam Speaker, because it has been raised during this debate. It is well understood that World Trade Organization agreements and WTO dispute settlement decisions are not self-executing, that is, they are not binding on the United States in and of themselves. Congress must enact any changes to U.S. law resulting from WTO agreements or WTO decisions.

Mr. BISHOP of Utah. Reclaiming my time, Madam Speaker, and to further clarify, to implement any WTO agreement or a decision of a WTO panel or the appellate body, the United States must enact the agreement or the implementation changes through congressional action?

Mr. ENGLISH of Pennsylvania. If the gentleman will continue to yield, that is correct.

Mr. BISHOP of Utah. Is this provision in H.R. 3283, therefore, intended to

change this fact in any way or to impose any new obligations on the Commerce Department or the United States beyond those already set forth in U.S. law?

Mr. ENGLISH of Pennsylvania. No, and I thank the gentleman. This provision does not force the Commerce Department to do anything inconsistent with U.S. law. Instead, it is designed to provide flexibility to Commerce in interpreting the law.

Mr. BISHOP of Utah. Therefore, where H.R. 3283 says that ''the Commerce shall ensure that the application of CVD law is consistent with the international obligations of the United States,'' am I correct that Commerce, which administers both U.S. antidumping law and U.S. countervailing duty law, may reach this determination of consistency on its own?

Mr. ENGLISH of Pennsylvania. That is correct.

Mr. BISHOP of Utah. So, does H.R. 3283 require Commerce to take additional steps to ensure consistency?

Mr. ENGLISH of Pennsylvania. No. Agencies are presumed to act in good faith when implementing a statute in accordance with international obligations. There is no additional requirement.

Mr. BISHOP of Utah. Madam Speaker, I thank the gentleman from Pennsylvania for his kindness and his information.

Mr. CARDIN. Madam Speaker, I yield myself 1 minute to respond to the textile issue that was recently mentioned on the other side.

When we negotiated our WTO accession agreement with China, we provided certain safeguards against the flooding of a market on textiles, knowing that the textile quota would be expiring. The concern many of us have had with China is that our government has not exercised the safeguards that are currently available to us under the agreement negotiated with China. We would like to see the administration be more aggressive in making sure that we do not get a flooded market either here or with trading partners that would have an adverse impact on the textile industry.

That is a major concern in our relationship with the People's Republic of China. The concern is that this legislation does absolutely nothing about that. So I appreciate the comments of my colleague on the other side of the aisle that there is no provision in this bill that would require action against China consistent with the provisions of the WTO accession agreement.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I have no further requests for time, and I believe I have the right to close.

The SPEAKER pro tempore (Mrs. BIGGERT). That is correct.

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

Madam Speaker, I very much appreciate the discussion that we have had. One of the advantages of the consideration of this bill under a rule as restrictive and repressive as the rule was, is that we do have a chance to have a more open and full debate, and I appreciate that.

I appreciate also the fact that we have been able to go through many of the provisions, including the colloquy that was just recently put on the record. I found that colloquy helpful, because I must tell you I shared the same concerns as to whether we were turning over to dispute settlement panels a decision as to whether we would bring future cases using counterveiling duties. And if I understand my friend, the gentleman from Pennsylvania (Mr. ENGLISH), that would be a determination made solely by our Commerce Department consistent with U.S. interests, and I certainly agree with that interpretation.

I regret that we have not had the chance to consider amendments or consider a substitute, because I do think that there is general sentiment among the overwhelming majority of the Members of this body to take action against China for its failure to comply with international trading rules. China has violated currency manipulation, which has worked to the disadvantage of American manufacturers, farmers, and producers. China has not enforced intellectual property issues, which has worked to the disadvantage of our entertainment industry, and to our engineering and manufacturing industries.

China has flooded the markets, contrary to its trade agreements on textiles, which has worked to the disadvantage of the U.S. markets. China over and over again has denied access on services and many other areas that require action. So it is appropriate that we should be considering legislation to address the shortcomings of China's compliance with international trade rules.

Now, I think we could have come up with a much stronger bill. The gentleman from New York (Mr. RANGEL), as I pointed out earlier, introduced H.R. 3306. And when you compare H.R. 3306 with the bill that is before us, you cannot help but feel that we should have done a much better job.

H.R. 3306 would have applied U.S. countervailing duty laws to China and other nonmarket economies without the additional burdens imposed by the underlying bill. The gentleman from Pennsylvania (Mr. ENGLISH) quoted from some sources that support that provision. Let me just tell you that Nucor, which is, as you know, a steel company that has to live with subsidized steel from China coming into the U.S. market, opposes the provision. Nucor believes that the extra burden of trying to establish the amount of subsidy when you have to factor additionally for nonmarket economies domestic subsidies, it is a burden that will make the new countervailing duty application meaningless as it relates to China. That is a specific company telling us, who supported the original English bill, they oppose this provision because of the problems.

I could cite other examples, Madam Speaker, but on one hand the bill gives some relief for countervailing duties to nonmarket economies; but on the other, the bill imposes new restrictions that really make it very difficult if it provides any help at all.

The Rangel bill would require the administration to initiate WTO action to address China's currency manipulation. Instead, the underlying bill provides for another study generally by Treasury which will delay action taken against China by another period of time. H.R. 3306, the Rangel bill, would strengthen special China safeguard laws. The underlying bill does nothing on that at all.

So, Madam Speaker, we have a bill that contains the sense of Congress and provisions that I think most of the Members of this body would agree with. It contains some other provisions that are well intended, and I think the majority of the Members of this body would agree with. But I want to make it clear that for those who are claiming this bill is tough on China or tough on enforcing our trade rules with China, it does not do that.

It does say certain things about China that most Members of this body would agree with. The main purpose of this bill was to deal with countervailing duties to nonmarket economies, and it does that in a way that probably will provide no relief. It provides authorizations for additional funds for two agencies that deal with trade, but we have already taken care of that in the appropriation bill.

So I come back to the point of the gentleman from Michigan (Mr. LEVIN). If you want to feel good and vote for this bill, go ahead and do it. But if you think you are taking action against China, if you believe that this bill will speak to the trade imbalance we currently have with China because of China's failure to adhere to their international responsibilities under the WTO or under the accession agreement with the United States, if you believe that, this bill does not do that. This bill is a missed opportunity because we were not able to have a free and open rule.

So I regret, Madam Speaker, that we are sort of in a dilemma with this bill as to what advice we should give Members. If you look at it as a resolution expressing the sense of Congress, there is nothing wrong with this bill. But if you look at it as a bill to provide action against China, there is really nothing in it to do that.

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

First of all, I would like to thank the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), for giving us the opportunity to have a debate and have a vote on this bill at a time when I

think it is particularly important that this Congress go on record deliberately challenging China in many of its mercantilist trade policies.

□ 1600

As I sat down with the gentleman from California (Mr. THOMAS), I worked closely with him to come up with a bill that would not be a panacea, would be a compromise, and would be a compromise that we could pass in the House by a wide margin and also pass in the United States Senate.

We have heard some sentiment from the other side of the aisle, and I think it is sincere, that wishes we could have gone further in this bill. I must say part of me also wishes to have gone further in this bill, but I believe this is a practical bill, but also a substantial bill that we can pass and can make a tangible start in strengthening our trade policy. That, I believe, makes it a very important bill in itself.

I congratulate the gentleman from Maryland (Mr. CARDIN), whom I have worked with on so many trade issues, and I am sorry to be disagreeing with him on this bill. I believe on the face of it, this bill is substantial. It is strong, responsible, comprehensive, and it moves in the right direction. It closes a loophole dealing with countervailing duties, a loophole that has for years been out there, and Congress has lacked the will to take it on.

We would for the first time apply countervailing duties where we determine Communist countries like China are involved in subsidizing their products. This would add a major tool in our arsenal in dealing with these countries and making them play by the rules. To me it is absurd when we find a subsidized product coming in from France, Brazil, Japan or Taiwan, we can apply countervailing duties to strip them of the benefit of their subsidy, but we cannot do it with China or Vietnam.

This bill moves forward and with clear language, but without double counting, which was not our intent; deals with this issue in a direct and refined way.

This bill also would establish a strong auditing system to make sure that China is complying with the trade agreements for which we are already a party, and deal with their trade obligations on intellectual property rights, market access and transparency.

This legislation does include resolution language dealing with issues like the current rules negotiation on the WTO, but it also requires the Treasury Department to do more than a study. It requires the Treasury Department to revisit its current definition of currency manipulation so as to make the current laws already on the books against currency manipulation something other than a dead letter.

We do increase funding, but we do it in the form of an authorization, and that is so important because that spells out how the U.S. Trade Representative can use the money, and it specifies that we are going to use that additional money for trade cops that are going to improve the enforcement of existing trade laws and the tracking of existing treaties, and that is essential if we are going to have a more balanced approach to that important trade relationship we have with China as well as with other countries.

This legislation would also close the current loophole dealing with antidumping cases in which some use bonds and then skip out on them in order to avoid paying their obligations. This is something I know the other side of the aisle agrees with because they included it in their last-minute legislation as well.

I was disappointed to hear my colleague on the other side of the aisle suggest that this is all reports and not action items. As is clear from a plain reading of the provisions of this bill, these are all action items, and they are all substantial, and they all move our trade policy substantially forward, a trade policy that, after all, we depend on energy in the executive to enforce, but ultimately Congress needs to inform, and it is our constitutional obligation to take an active role in shaping our trade policy.

With record trade deficits that are now exceeding 6 percent of GDP every year, we cannot go forward with the status quo, and this legislation is a substantial, modest, but achievable piece of legislation that will allow us to begin to deal with these problems in a much more direct and aggressive way.

I would hope that having listened to the debate, everyone in this Chamber would think carefully before doing what some in the minority did yesterday, and that is registering a vote against this legislation. This legislation was designed to be a consensus bill. It should not be wrapped up in any other debate, but I do not control the timing of that.

I believe it is fairly clear that our friends in Beijing will look at this debate, will look at how we respond to this legislation, and if we do not overwhelmingly pass this bill, they will conclude that we are not committed to dealing with these problems.

Mr. Speaker, I encourage all of my colleagues to vote for this bill and to send a clear message to our trading partners that we are not prepared to see the status quo go forward.

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

Mr. CARDIN. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR) for the purpose of a unanimous consent request.

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

Ms. KAPTUR. Mr. Speaker, I rise in opposition to the English bill, which will only create more red ink with Red China in our global trade.

Our job and trade deficit with China is exploding with more jobs being lost every day. Our red ink in jobs and trade give new meaning to the name "Red China." We need strong and effective laws to make China follow the rules to which we hold everyone else responsible.

This bill does not give us those strong and effective rules.

Instead of demanding action, the Republican bill calls for more reports, more studies, and more dialogue. It fails to include real solutions proposed by members on both sides of aisle. These include strengthening remedies for American industries hurt by export surges caused by Chinese imports and requiring the administration to take action to bring down China's trade barriers. Further, the English bill actually adds new loopholes that gut the effect of the bill. The bill would harm U.S. trade laws by giving direct effect to the World Trade Organization to impose its decisions against U.S. laws and would create harmful precedents on U.S. sovereignty.

I support subjecting China and other nonmarket economies to our subsidy laws. But this bill actually places restrictions on the Department of Commerce's ability to go after those very illegal government subsidies.

In fact, this bill may give China an advantage in this situation. This bill places a greater burden on the U.S. Department of Commerce than current U.S. law or WTO rules to protect the U.S. against unfair competition from China's subsidies. By further limiting counting of subsidies, this places China in a special category above all other trading partners. It also places such a burden on the agency that the costs of doing this far outweigh the gains.

There is a provision in this bill that says that DoC must ensure that trade law is implemented consistent with U.S. international trade obligations. This hasn't appeared in U.S. trade law before and could give the WTO special influence over U.S. law. Are we an independent Nation or are we but a client State for multinational giants?

This bill fails to address the real problem of our growing deficit with China. In fact, sadly, it appears that this bill is simply a cover for some Members to vote for CAFTA later today. They can say they spoke out about our widening trade deficits, but actually then make them worse by voting for CAFTA.

I ask Members to consider their conscience. Why use this fig leaf of a bill that will lead to more job loss, poorer working conditions and more misery for working people in the U.S. and in China, and ultimately with Central America.

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

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

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 387, 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.

MOTION TO RECOMMIT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CARDIN. I am at this time

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cardin moves to recommit the bill H.R. 3283 to the Committee on Ways and Means with instructions that the Committee report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TREATMENT OF CURRENCY MANIPULATION.

(a) DEFINITION OF UNJUSTIFIABLE ACTS, POLICIES, AND PRACTICES.—Section 301(d)(4)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(4)(B)) is amended to read as follows:

''(B)(i) Acts, policies, and practices that are unjustifiable include, but are not limited to, any act, policy, or practice described in subparagraph (A) which involves currency manipulation, or denies national or most-favored nation treatment or the right of establishment or protection of intellectual property rights.

''(ii) In this subparagraph, the term 'currency manipulation' means the protracted large-scale intervention by an authority to undervalue its currency in the exchange market that prevents effective balance of payments adjustment or gains an unfair competitive advantage over the United States.''.

(b) INVESTIGATION INTO CURRENCY MANIPULATION BY THE PEOPLE'S REPUBLIC OF CHINA.—

(1) INVESTIGATION, DETERMINATIONS, ACTIONS.—The United States Trade Representative shall—

(A) conduct an investigation, under sections 302 and 303 of the Trade Act of 1974, of the currency practices of the People's Republic of China;

(B) make the applicable determinations under section 304 of that Act pursuant to that investigation; and

(C) implement any action, under section 305 of that Act, in accordance with such determinations.

(2) INITIATION OF INVESTIGATION.—The United States Trade Representative shall initiate the investigation required by paragraph (1) not later than 90 days after the date of the enactment of this Act.

SEC. 2. AMENDMENTS RELATING TO INTERNATIONAL FINANCIAL POLICY.

(a) BILATERAL NEGOTIATIONS.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended in the second sentence by striking ''(1) have material global account surpluses; and (2)''.

(b) DEFINITION OF MANIPULATION.—Section 3006 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5306) is amended by adding at the end the following:

''(3) MANIPULATION OF RATE OF EXCHANGE.—A country shall be considered to be manipulating the rate of exchange between its currency and the United States dollar if there is a protracted large-scale intervention by an authority to undervalue its currency in the exchange market that prevents effective balance of payments adjustment or gains an unfair competitive advantage over the United States.''.

(c) REPORT.—Section 3005(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following:

''(9) a detailed explanation of the test the Secretary uses to determine whether or not a country is manipulating the rate of exchange between that country's currency and the dollar for purposes of preventing effective balance of payments adjustment or gaining an unfair competitive advantage over the United States.''.

Mr. CARDIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes in support of his motion to recommit.

Mr. CARDIN. Mr. Speaker, the only opportunity we have is on a motion to recommit, and this motion to recommit will deal with the currency manipulation issue with China, and will take real action on China's currency manipulation.

Since 1994, China has pegged its currency to the U.S. dollar. This policy has caused China's currency to become undervalued by as much as 40 percent. What this means in practice is that Chinese manufacturers have a significant unfair advantage over U.S. manufacturers because China's currency manipulation makes Chinese exports to the United States cheaper and U.S. exports to China more expensive.

It is simply unacceptable that this administration has allowed China to continue this policy, and the Chinese Government appears to realize that this administration is not serious about stopping China's currency manipulation. Just last year when the vice governor of the People's Bank of China was asked when China would change its currency policy, he stated, ''China has 8,000 years of history. One year, three years, five years, or ten years, for Chinese, that is just a twinkling of an eye.''

Now I know that the administration and many of those on the opposite side of the aisle will point to the fact that China reevaluated its currency by about 2 percent last week. However, I would urge them to read the report in today's Washington Post and New York Times indicating that China's Central Bank issued a statement yesterday to clarify that last week's change was a one-time event, and that we should not expect more changes any time soon.

China's continuing refusal to end its currency manipulation demands action by this body. However, the bill before us today, H.R. 3283, calls on one more report and another delay. The Treasury Department has already issued reports on Chinese currency and has not taken any action.

Mr. Speaker, I have heard my colleagues talk about taking action against China during this debate. Here is an opportunity to do that. What this motion to recommit would do would be to bring the bill immediately back with an amendment that would have the administration file a WTO claim. That is consistent with the WTO. It starts the process. It tells China we are serious. It does not do anything in violation of the WTO. It starts the process, but it tells China that this body is serious about their dealing with their currency issue. That is what China understands. We cannot justify tying a currency to another currency. That is manipulation. That is working to the disadvantage of American manufacturers.

I would hope that we could join together. I have heard many of my Republican and Democratic colleagues tell me it is time to take action against China. This does it in a responsible way. It does not require any tariff; it does not do anything inconsistent with the WTO obligations. It exercises the constitutional responsibility that we have on trade. It is the legislative branch that is responsible for trade. We delegate to the executive branch. We should be willing to assume our responsibility.

If Members believe it is wrong for China to continue to manipulate its currency to the disadvantage of U.S. manufacturers and producers and employment here in this Nation, vote for the motion to recommit so we can finally start action against China on currency manipulation.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise with mixed feelings because in a different setting, I might be very sympathetic to the argument the gentleman from Maryland (Mr. CARDIN) is making. I have been involved myself in the fight to specifically challenge the Chinese on currency issues, but I am disappointed in the timing of this motion, particularly in view of China's recent and very modest actions to move forward on currency, and with the fact that in this context, this motion would function effectively as a poison pill that might very well kill the bill in the Senate.

On the substance, the motion from the other side of the aisle seeks to force the administration to bring a section 301 case against China based on its old currency peg to the dollar. It would also force the administration to use a very narrow and simplistic definition of currency manipulation in its foreign exchange reports.

My understanding is the USTR rightly rejected this petition twice in the past because it would hinder the efforts to change China's former currency regime. In fact, China's recent steps in moving in the direction of a float, however limited, have made it very clear that the timing on this provision is not good.

I would argue that my bill requires that the USTR instead report to Congress every 6 months on the degree to

which the new mechanism moves the currency closer to a market-based representation of its value and requires Treasury to reconsider how it currently defines currency manipulation.

The gentleman from Maryland (Mr. CARDIN) might argue that in a sense all that this does is force the United States to bring a WTO case against China on grounds that China is manipulating its currency. However, the motion itself does not appear designed to force the United States to bring a WTO case. In fact, the motion's definition of currency manipulation clearly bears no relationship to the WTO rules.

Instead, this proposal from the other side of the aisle would force the United States to take unilateral action under section 301, which would potentially place us in violation of WTO rules. Section 301 mandates specific actions, including possibly trade retaliation if a foreign act or measure: one, violates or is inconsistent with a trade agreement such as the WTO agreements; or, two, is unjustifiable and burdens or restricts U.S. commerce.

These are separate grounds for taking mandatory action under section 301. The recommittal defines currency manipulation using a fabricated definition as ''unjustifiable.'' Thus, it appears that this initiative is really intended to force the United States to take action under the second prong of section 301, not the prong intended to be used where there are potential WTO violations.

□ 1615

The intent thus appears to be to force the U.S. to impose sanctions without a WTO finding of a breach, thus allowing China to shift the focus from China's currency policies to claims of U.S. breaches of the WTO. In the current context, in my view, that would not be helpful.

Accordingly, with great regret and acknowledging that my colleague from Maryland has been serious about moving forward in the area of currency reform and challenging the Chinese, I feel that his motion to recommit comes up short, and I would urge all of my colleagues to vote it down.

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

The SPEAKER pro tempore (Mr. TERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of H.R. 3283, if ordered; suspending the rules on House Resolution 383; and suspending the rules on House Resolution 384.

The vote was taken by electronic device, and there were—yeas 195, nays 232, not voting 6, as follows:

[Roll No. 436]

YEAS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
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.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
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)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
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
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—232

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
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
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
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
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
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)

NOT VOTING—6

Brady (PA)
Cox
Cummings
Jenkins
Murphy
Murtha

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1638

Messrs. LARSEN of Washington, FORBES, OTTER, SHAYS, FLAKE, HALL, MORAN of Virginia, and Mrs. WILSON of New Mexico changed their vote from ''yea'' to ''nay.''

Ms. HARMAN, Ms. McKINNEY, and Messrs. WEXLER, COSTELLO, KANJORSKI, and GORDON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 255, nays 168, not voting 10, as follows:

[Roll No. 437]

YEAS—255

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
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
Herseth
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
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
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—168

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boyd
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
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
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—10

Brady (PA)
Clay
Cox
Cummings
Diaz-Balart, L.
Hastings (FL)
Jenkins
Murphy
Murtha
Reyes

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1646

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENCOURAGING TRANSITIONAL NATIONAL ASSEMBLY OF IRAQ TO ADOPT A CONSTITUTION GRANTING WOMEN EQUAL RIGHTS

The SPEAKER pro tempore (Mr. TERRY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 383.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 383, 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 426, nays 0, not voting 7, as follows:

[Roll No. 438]

YEAS—426

Abercrombie
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 (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
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
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
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
Gonzalez
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
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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 (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
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
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—7

Brady (PA)
Cox
Cummings
Jenkins
Murphy
Murtha
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1655

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.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 438 I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, on rollcall Nos. 436, 437 and 438 I was in a room in the Longworth building and the bell did not ring. I was unaware of votes occurring. Had I been present, I would have voted "nay" on rollcall No. 436 and "yea" on rollcall Nos. 437 and 438.

CONDEMNING TERRORIST ATTACKS IN SHARM EL-SHEIKH, EGYPT, ON JULY 23, 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 384.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 384, 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 428, nays 0, not voting 5, as follows:

[Roll No. 439]

YEAS—428

Abercrombie
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 (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
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
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
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
Gonzalez
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
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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 (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
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—5

Brady (PA)
Cummings
Jefferson
Murphy
Murtha

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1705

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. HASTINGS of Florida. Mr. Speaker, on the vote on H.R. 3283, I was in the Intelligence Committee when the vote was cast. Had I been present, I would have voted ''no.''

PROVIDING FOR CONSIDERATION OF H.R. 5, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 385 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 385

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. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. 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) two hours of debate on the bill equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 5 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. 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.

Mr. Speaker, House Resolution 385 is a closed rule that provides 2 hours of debate in the House, equally divided and controlled by the majority leader and the minority leader or their designees. It waives all points of order against consideration of the bill, provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker, and it provides one motion to recommit.

Mr. Speaker, I rise today as the proud sponsor of H.R. 5, the Help Efficient, Accessible, Low Cost, Timely Health Care Act of 2005, or the Health Act, and to speak on behalf of both the rule and the underlying bill.

First, I would like to thank both the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Judiciary Committee, and the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee, for their work on this issue, as this is not the first time the House of Representatives has considered this measure.

Mr. Speaker, H.R. 5 is a good bill that has passed this House in the 108th Congress with bipartisan support. Therefore this bill and its substance have been thoroughly debated both on this floor and in committee in the previous two Congresses.

As the sponsor of H.R. 5, I am very excited about the opportunity that we have today to strengthen our health care system for the sake of every household's health and every household's pocketbook.

Mr. Speaker, H.R. 5 is without question one of the best opportunities this Congress has to address the health care crisis we face today. There is no doubt among the American people, and there should be no doubt among Members of this Congress, that we need fundamental reforms to strengthen access to health care and to control the burgeoning cost of health care.

Having practiced for almost 30 years as an OB/GYN physician, I have not forgotten the experiences and the lessons that I learned on the front lines of medicine. I came to this Congress not only with a background in health care, but also with an important charge to do all that I could to make our health care system better.

And, Mr. Speaker, I can tell you in no uncertain terms, we have a problem. We are losing too many good doctors because of the skyrocketing costs of medical liability insurance and the threat of frivolous lawsuits.

These costs have been driven up by frivolous lawsuits and runaway awards that are more about someone's ship coming in, and I do not mean the injured plaintiffs, than the provision of justice for those who are injured.

In fact, the Department of Health and Human Services reports: ''The litigation system is threatening health care quality for all Americans as well as raising the cost of health care for all Americans.''

While I am no economist, it does not take a financial expert to know that with fewer and fewer practicing doctors and an ever-growing number of patients, the price of health care will inevitably go up and skyrocket out of the reach of the average consumer.

These increasing costs not only create a significant burden on the American people, but also increasingly aggravate the current strain on the Federal budget resulting in bigger and bigger deficits.

Therefore, Mr. Speaker, I, along with the gentleman from Texas (Mr. SMITH), introduced H.R. 5 as a simple, straightforward solution to reform and strengthen our civil justice system as it pertains to medical liability.

Mr. Speaker, I am thankful for the other 55 Members who have joined with us to cosponsor this bill. Mr. Speaker, the HEALTH Act will not, let me repeat, it will not limit economic awards such as medical bills and lost wages.

So if, as an example, a plaintiff has $10 million in economic damages, they can still collect $10 million for their economic damages. Again, there is no limit to the economic awards. H.R. 5 would, however, limit noneconomic awards to $250,000.

Additionally, punitive damages, if assessed, would be limited to $250,000 or twice the amount of economic loss suffered, whichever of the two is greater.

And, again, Mr. Speaker, as an example, if the economic damages were $5 million, and there were cause to impose punitive damages because of someone's deliberate action, deliberately harmed a patient, then the punitive damages could be $10 million in addition to the $5 million in economic, while the noneconomic would still be limited to $250,000.

The HEALTH Act will also make liability more equitable. If one or more parties is a defendant and ordered to pay damages, then each party pays damages proportional to their fault in the case as determined by the trier of fact, the jury.

Mr. Speaker, no one should have to take the blame and pay damages for the negligence of another defendant, as under current law. That is not justice and this bill will make sure that this inequity is eliminated.

Now, I realize that there are some who have tried to cloud the issue here, and they will certainly oppose this bill. And while I am not questioning anybody's motives, I have to insist that each and everyone of us ask ourselves, Where do my loyalties lie? Do they lie with the American people and their best interests, or do they lie with those special interest trial lawyers?

Some, some, seek to game our judicial system for big bucks, of which their clients, the actual victims, see very little.

□ 1715

For this reason, H.R. 5 includes a provision that will limit the contingency fees of lawyers and health care lawsuits on a sliding-scale basis. This provision will ensure that victims actually receive fair compensation for their damages and they are not bilked and taken advantage by certain greedy trial lawyers.

I cannot stress enough the importance of this bill, Mr. Speaker. Too many of our States are now in a condition of medical liability crisis. My home State of Georgia is one of those States in crisis. And while our legislature, along with Governor Sonny Perdue, has passed meaningful medical liability reform in this past session, there is still much work to be done to undo the damage inflicted on Georgia's health care system. Specifically, according to the Alliance of Specialty Medicine, over the past 3 years, 15 of Georgia's 20 active insurance companies have stopped issuing medical malpractice policies for doctors. This fact flies in the face of the argument from the other side that suggests that greedy insurers are just overcharging doctors for their insurance coverage.

And without this insurance coverage, doctors from emergency medical specialists, neurosurgeons, OB–GYN physicians, they are being chased out of their profession and leaving ordinary people without their specialty doctor and without efficient and timely health care.

Mr. Speaker, H.R. 5 is not the silver bullet to America's health care problems. However, in conjunction with things like associated health plans, which we just passed again, the Medicare Part D prescription drug benefit which will go into effect January 1 of 2006, and other important initiatives developed by the majority in this Congress, this bill is the right prescription for the American people at the right time and will put us well on the road toward recovery.

I would like to encourage my colleagues to give their full consideration to H.R. 5. This Congress has an important opportunity to pass this meaningful health care reform.

Mr. Speaker, the American people deserve no less from us. Again, I would encourage my colleagues on both sides of the aisle to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

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

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I rise in opposition to H.R. 5, which purports to help stem rising medical malpractice insurance premiums and relieve health care professionals, but, in reality, will have very little effect.

What this body should be considering today is comprehensive medical malpractice reform and this measure does not even come close to achieving this important goal.

Last night, the Rules Committee did not make in order several amendments, which taken together, would have achieved true comprehensive medical malpractice reform.

Earlier this year, I, along with BRIAN BAIRD, DUTCH RUPPERSBERGER and DAN LIPINSKI, introduced the Comprehensive Medical Malpractice Reform Act of 2005, which would have achieved three key goals, namely (1) constrain the cost of medical liability insurance and reduce unwarranted litigation; (2) protect the rights of patients who have been harmed to receive proper and justified compensation; and (3) improve overall the quality of health care in our country.

Unfortunately, we, along with several other Members, were denied the opportunity to improve H.R. 5 with these amendments.

One of our amendments that was denied debate would have set reasonable limits on non-economic damages.

We all know that a cap of $250,000 on non-economic damages is too low since some valid cases with catastrophic or lifetime injuries may merit additional compensation, particularly in the case of the negligent death of an infant.

Our amendment would have set a cap on awards for pain and suffering that is based on California's enactment into law of the Medical Injury Compensation Reform Act in 1975. Many provisions of H.R. 5, including caps on non-economic damages, are modeled after this California law.

Our amendment would have indexed non-economic damages at the rate of inflation, which comes to about $877,000 in today's market. Certainly a far more reasonable number than $250,000.

This amendment would also have weeded out frivolous lawsuits by going after lawyers who continue to file claims that are not substantiated by evidence or expert opinion. Courts would be able to impose a "3 Strikes & You're Out" law and suspend from practice for no less than one year, lawyers who file their third frivolous lawsuit.

Our comprehensive medical malpractice reform package also considers alternative dispute resolution, as a means of avoiding litigation, while at the same time, still addressing victims' rights. We modeled this provision after a successful program at Rush Medical Center in Illinois.

This first-ever hospital based mediation program has proven to be very beneficial to the hospital and other health care providers, and brings closure for individual plaintiffs and defendants.

Over the years, the number of suits against Rush has declined and other hospitals have conducted mediations and have reported favorable results. Our amendment would have given health care institutions the training necessary to implement mediation programs.

Another rejected amendment would have given liability protection to those health care providers, who in good faith, report to report to state medical boards regarding the competence or professional conduct of a physician. These good-faith reporting health care providers would not be held responsible for attorney fees and costs incurred as a result of legal action.

According to data from the National Practitioner Data Bank from 1990 to 2002, just 5 percent of doctors were involved in 54 percent of all medical malpractice payouts, including jury awards and settlements. More startling, the data shows that of the 35,000 doctors with two or more payouts during that period, only 8 percent were disciplined by state medical boards.

Health care providers need better whistleblower protections. Currently there is an imbalance between the legal obligation health care workers have to report errors or unusual incidents and the legal protections they have against retaliation once they report these incidents.

Greater liability protections for health care workers would help to ensure that future medical errors are not made, as well as give state medical boards the opportunity to work with colleagues on weeding out those doctors that provide an inadequate quality of care to patients.

Those who are going to support H.R. 5 today will return to their respective congressional districts during the August recess and brag to the doctors that they voted in favor of medical malpractice reform.

What they will not tell their constituents is that H.R. 5 is DOA when it is sent to the Senate for consideration, and that the other body would not think of entertaining legislation with inadequate caps on awards.

Nor will proponents of this bill reveal that H.R. 5, if signed into law, would not stem rising medical malpractice insurance premiums, because not one provision contained in this bill reforms the insurance industry.

Last night our colleagues on the Rules Committee squandered a valuable opportunity to actually fix the root problem of medical malpractice.

Let us send a message to the American people that we are now prepared to take the issue of medical malpractice reform seriously. I urge all my colleagues to vote against H.R. 5.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY), my friend, for yielding me the time. I should say Doctor Gingrey and that I want him to call me Attorney Hastings so we get it clear as to who we are around here.

Mr. Speaker, I rise today in strong opposition to this closed rule. Like a broken record, my friends on the other side on the aisle are yet again blocking every single Member of this body, Republican and Democrat, from offering an amendment to this ill-conceived legislation. I might add, no hearings were held regarding same.

Under this closed rule the majority is committing the greatest form of political malpractice. The Republican medical malpractice bill does nothing to lower the cost of health care for low- and middle-income families. Instead, insurance companies make out like bandits while the 45 million uninsured Americans continue to live without access to quality health care.

This is the third time in as many years that Republicans are bringing this incredulous bill to the floor under a closed rule. In the last 3 years, 67 amendments have been offered to the underlying bill in the Committee on Rules. Republicans have blocked all 67 of them from being considered by the House.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Michigan (Mr. DINGELL), the ranking Democrats of the two committees of jurisdiction, offered a fair and balanced substitute to this legislation last night. Their substitute takes steps to weed out frivolous lawsuits, requires insurance companies to pass their savings on to health care providers, and provides targeted assistance to physicians and communities that need it most. The House, however, will never have a chance to debate their proposal. As they have done so often in the past, what Republicans cannot defeat, they simply do not allow.

The gentleman from Illinois (Mr. EMANUEL) and the gentleman from Arkansas (Mr. BERRY) were also prohibited under the rule from offering their common-sense amendment. Their amendment would have taken out language from the underlying legislation that protects manufacturers of medical products, including pharmaceutical

companies, from being sued even when they knowingly place a faulty product on the market.

For example, when Merck did an internal test on the side effects of Vioxx, it reported that only ½ of 1 percent of those tested had incurred some type of cardiovascular event. A further investigation showed that Merck had actually doctored the study when, in fact, 14.6 percent of Vioxx patients were negatively affected by the medication.

Under the Republican medical malpractice bill, those who have died or been injured when taking Vioxx will have no legal ground on which to seek compensation for Merck's outright negligence. Many at home may be asking themselves, How could Congress knowingly protect a manufacturer from being sued if it continues producing a product that it knows is faulty and can cause real harm or even death to someone? What about corporate responsibility? What about protecting the lives of innocent Americans?

To them I say, if the underlying legislation becomes law, what I just described will become the norm. The majority have made it crystal clear that they do not believe irresponsible companies and manufacturers should be held responsible for their actions no matter the harm they inflict. As my colleague and good friend on the Committee on Rules, the gentleman from Massachusetts (Mr. MCGOVERN) said last night, welcome to the Committee on Rules, where democracy goes to die.

Mr. Speaker, President Bush and the Republican Party have unfairly singled out trial lawyers as the root cause of skyrocketing medical malpractice insurance rates across the Nation. They suggest that the prevalence of ''pain and suffering'' awards in malpractice suits have forced insurance companies to raise their liability insurance rates and force doctors out of business. This suggestion is both superficial and wrong.

H.R. 5 does nothing to help doctors with high malpractice insurance premiums. Study after study have confirmed that while the insurance company is raising premiums for doctors at a record pace, the amount they pay out for lawsuits has remained stable. The insurance industry is price-gouging physicians and lying to the public all to justify limiting the rights of victims so that the industry can add to its already record-setting bottom line.

This bill is a distraction from the real problems that exist in America's failing health care system. Physicians and lawyers are pointing fingers at each other while insurance companies are quietly and quickly running to the bank.

Solutions to our Nation's health care woes do exist, Mr. Speaker, but they go beyond blaming one group of Americans and involve more than one easy-to-fix resolution. I urge my colleagues to oppose this closed rule and reject the underlying bill.

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

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

Mr. Speaker, this mention of greedy, gouging insurance companies, I just want to point out to my colleague that the only insurance company that still is offering medical malpractice insurance in the State of Georgia is Mag Mutual. And in 2004 they made $7 million on their rather conservative investment portfolio and still lost money because of the claims paid and defending all of these frivolous lawsuits.

Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), my colleague on the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of the Help Efficient, Accessible, Low-Cost, Timely Healthcare Act of 2005, commonly referred to as the HEALTH Act.

If it seems like you have seen me speaking on this before, that is because I have. The House of Representatives has done their part and passed this much-needed legislation several times during my service in Congress. It is my sincere hope that the other body will answer the call of millions of Americans who have been impacted with the loss of their doctor and help rein in an out-of-control medical liability system.

I am very optimistic we can achieve this goal, primarily because my home State of West Virginia has passed very similar legislation. If West Virginia's Legislature and Governor can put politics aside and work for the common good, then this Congress should be able to do the same.

Five years ago the medical liability climate in West Virginia reached a fevered pitch. Countless physicians, especially specialists, were beginning to leave the State, their home State, because of the prohibitively high cost of insurance premiums. Our largest trauma center was forced to close because of lack of physicians. Many of these physicians were orthopedists, OB–GYNs, and neurologists, and for a rural State with already limited access to specialists, this was a critical blow to health care accessibility.

Individuals throughout the State were extremely concerned about the ability to find a doctor, keep a doctor, and about the doctor that they love and trust leaving the practice of medicine. Thankfully, the leaders in West Virginia enacted sensible reforms that have stabilized our healthcare delivery system.

As a matter of fact, the hospitals in West Virginia have said one of the biggest benefits to this legislation, very similar to the legislation we have today, is that it stabilized the situation so they can now recruit and retain physicians in the State of West Virginia.

The HEALTH Act is needed on a Federal level because other States have not had the success of my State. This act puts in common-sense reforms to the tort system. I urge all to support the rule and to realize that this approach, which is similar to California's approach and West Virginia's approach, can work successfully and can be passed in a bipartisan way.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), my good friend who serves on the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

I rise in opposition to this rule and to the underlying legislation. This bill is a perfect example of the ironclad control that the pharmaceutical industry has over the Republican leadership of this House. It is so in your face, it is so out in the open, it takes my breath away.

Instead of improving the medical industry and providing protection to its consumers, H.R. 5 provides sweeping liability protections to drug manufacturers. H.R. 5 does nothing to address the dramatic escalation of insurance premiums and health care costs. Forty-five million Americans, 16 percent of our population, do not have health insurance. Placing caps on the punitive damages that could be awarded to victims of medical malpractice will not provide one single American with health insurance.

From the onset this bill has been handled improperly: no mark-ups, no amendments, no hearings. In fact, for the third time in 3 years, as the gentleman from Florida (Mr. HASTINGS) has pointed out, the Committee on Rules' Republicans have prevented any House Members from offering amendments to this bill.

Last night the committee Republicans rejected all 15 amendments offered, including an amendment that would have stripped the bill of the special protections for irresponsible drug companies. Over the past 3 years, Committee on Rules' Republicans have rejected a whopping 67 amendments to medical malpractice legislation. Eliminating amendments and shutting down debate is not how this House should operate.

Why has this bill been rushed to the floor, bypassing both the Committee on the Judiciary and the Committee on Energy and Commerce despite the abundance of startling information in the headlines regarding the misconduct of drug industry giants like Merck, the creator of the deadly drug Vioxx?

According to testimony given by FDA scientist Dr. David Graham before the Senate Committee on Finance, Vioxx may have caused as many as 55,000 deaths and 160,000 hearts attacks. Mr. Speaker, how can we reward a company that has knowingly created, marketed and distributed a drug which has caused 55,000 deaths?

Well, that is exactly what this bill does. By providing across-the-board immunities to drug and device manufacturers, the pharmaceutical industry would never be held accountable for injuring or even killing people.

Without the threat of full liability, there are no financial incentives for drug companies to keep life-threatening drugs like Vioxx off the market. Vioxx was always a dangerous drug. From its inception in 1999, Merck knew that Vioxx significantly increased the chance of hearts attacks and cardiovascular problems. In 1999 and 2000, two clinical trials showed that people taking Vioxx had a fivefold increase in hearts attacks.

□ 1730

It was not until 2002, after multiple requests from the FDA, that Merck reluctantly change its warning label to include the severe risk of heart attack.

Mr. Speaker, this was too little, too late. Vioxx should have been pulled from the market years ago, and its victims and victims' families should have been compensated appropriately.

It was not until September 2004, after several more studies and testimonies from high-level FDA officials that Merck voluntarily withdrew Vioxx from the market. And here we are, less than a year later, considering a bill that provides immunity for drug manufacturers that create and distribute unsafe, possibly deadly, drugs.

Mr. Speaker, everyone is aware of the dangers of Vioxx, and the fact that Merck continued selling it knowing of its dangers. How can this House in good conscience reward the drug industry for bad behavior? The American people deserve a better bill, a bill that actually protects, not endangers them.

I would like to say to my friends on the other side of the aisle: if you want to protect irresponsible drug companies, that is your choice. Go right ahead and do it. But I am interested in protecting people. The least you could do is allow us to vote up or down on amendments that would hold the drug companies accountable.

There is no reason why, none whatsoever, why this rule needs to be closed. It is a disgrace that this has been brought to the House floor under a closed rule. I urge my colleagues to vote ''no'' on the rule and ''no'' on the underlying bill.

Mr. GINGREY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), an internal medicine specialist.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time; and as he stated, I practiced internal medicine, but that was not the only type of medicine I practiced. I also practiced defensive medicine.

We can talk about medical malpractice premiums and the costs for doctors, and we can talk about suing drug companies, and we can talk about high premiums in States like West Virginia, which we heard about from the gentlewoman from West Virginia, how specialists leave the States. We had that problem in Florida. We had the neurosurgeons in Orlando threatening to leave because of the high premiums in Orlando. The trauma center would have been downgraded from a level one to a level two center.

But those are really not the issues. The real issue here is the incredible, incredible cost of defensive medicine. And I practiced it every day. I confess, I ordered extra tests to keep myself from being sued. And if you think this is just anecdotal, it is not, my colleagues. This was studied very nicely at Stanford University.

This is old data. It was published in the Quarterly Journal of Economics, 1996. They looked at California, and they looked at just two diagnostic codes, unstable angina, eschemic heart disease; and the study showed after the medical malpractice reforms went in place in California, the charges to the Medicare plan declined significantly. Guess what? Morbidity and mortality did not go up. Quality was maintained.

They estimated in that study, in 1996 dollars, that defensive medicine cost our health care delivery system $50 billion a year. It is estimated by today's dollars that it is well over $100 billion a year.

Now, my colleagues want to take care of the uninsured and they want prescription drugs for senior citizens? Then do something about this very costly system.

Mr. WELDON of Florida. Mr. Speaker, the study earlier referred to follows:

[From Forbes Magazine, Jan. 27, 1997]

RX: RADICAL LAWYERECTOMY

(By Peter Huber)

How do you trim $20 billion a year from Medicare? That's about what it will take to stave off bankruptcy. The easiest way: amputate lawyers.

It can be done. In 1995 Congress immunized community health care centers from malpractice suits. The federal government now covers the claims incurred by these federally subsidized clinics—claims are heard by a judge, not a jury, and there are no punitive awards. The clinics save an estimated $40 million in malpractice insurance. That funds treatment for an additional half-million indigent patients.

Why stop there? The country spends about $8 billion a year treating elderly heart-disease patients. Cap awards, abolish punitive damages, implement a few other direct, financial limits on medical malpractice suits, and you reduce hospital expenditures on cardiac patients by 5% to 9%.

If limits like these had been written into federal law, nationwide spending on cardiac disease in the late 1980s would have been $600 million a year lower. Extrapolate these results to medical spending generally—a debatable but reasonable enough basis for estimation—and you find that tort reform would save the country as a whole well over $50 billion a year.

But how much more negligent medicine would that encourage? How many more cardiac patients would die? How many more would get inferior treatment and suffer a second heart attack as a result? The best estimate: None at all. Nor would any true victims of negligence go uncompensated. The reforms we're talking about here don't eliminate liability, they just place sensible limits on windfalls and double-dipping. They are in fact already part of the law in many states.

The numbers I cite come from a very important paper, ''Do Doctors Practice Defensive Medicine?'' written by Daniel Kessler and Mark McClellan, both of Stanford University. The paper appeared in the May 1996 Quarterly Journal of Economics.

The authors analyze data on all elderly Medicare beneficiaries hospitalized for serious heart disease in 1984, 1987 and 1990. The study correlates spending for medical care with state tort laws. About three patients in five were treated in states that placed no direct limits on rights to sue. But two in five were hospitalized in states that did. Direct liability limits have clear, strong effects on medical spending, the study concludes.

But that's just the first half of the story. Previous studies—most notably one conducted by Harvard Medical School in 1990—asked panels of doctors to review patient files and attach subjective judgments about adverse outcomes and deficient treatment. Much of the ''negligence'' identified in this way had no significant impact on the ostensible victim. Studies like this didn't reveal much about the consequences of malpractice litigation because they didn't pin down the consequences of malpractice itself.

With elderly cardiac patients there are objective standards for assessing ineffective care: Patients die, or they end up back in a cardiac ward not long after discharge. Analyzing the record on these solid criteria, Kessler and McClellan reach a second, clear conclusion: None of the liability reforms studied ''led to any consequential differences in mortality or the occurrence of serious complications.''

If liability doesn't force doctors to provide better treatment, why does it boost the cost of medicine so sharply? Unlimited liability gets you more medicine, not better. Lawyer-shy doctors administer tests willy-nilly, and hand off patients to specialists with great alacrity. They know that the surest way to avoid liability is to dispatch your problem patient to someone else—a lab technician or another doctor. This can go on indefinitely. It's very expensive. And medically useless.

Congress has generally left medical malpractice reform to the states. But when Medicare and Medicaid patients sneeze, it's the federal Treasury that catches cold. No principle of federalism requires federal taxpayers in Montana to pay for Mississippi medicine ordered up by the lawyers there, not the doctors or patients.

The best place for Congress to balance the Medicare budget is on the backs of trial lawyers. These lawyers are not old, not poor and not needed.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes and 20 seconds to the very distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I want to thank my colleague for yielding me this time.

I was a sponsor of the Vioxx amendment, to strip out the protection of the pharmaceutical industry. As Americans are watching this debate here, here we are on the floor debating about protecting the pharmaceutical industry from all liability in a protection that no other industry in America would receive, and on the other side of the screen the American people are going to be watching the trial on Vioxx

down in Texas, where a marathon runner, who was also a personal trainer, and who took Vioxx for 6 months, died a premature death. They will see what this Congress is doing on that civil case.

Now, we know from the head of FDA that by their estimate 55,000 Americans died because of Vioxx and the medication. Yet my colleagues want to deny that man's family their day at trial and give this industry, the only industry in America, a single protection.

Last year, my colleagues voted for a prescription drug bill to give the pharmaceutical industry $132 billion in extra profit, and now you want to give them liability protection. This Congress is like the gift that keeps on giving. You just do not know how to stop yourself.

Now, there is a place to redress these grievances. It is called the courtroom. With 55,000 deaths, have you no shame? Have you no respect for what is going on in America? The American people will see what is being done and understand the cost. But Merck, with Vioxx, is not the only pharmaceutical company. There is beckstra, accutane. There is phen-fen. Those are just some of the medications where other companies have not provided the FDA the material they needed to make the decision, and then, after the fact, after the consequences, those drugs get pulled.

What is ironic about this whole case and this whole piece of legislation is very simple. Just a year ago, many of our colleagues on the other side of the aisle joined us in agreeing that the FDA did not have the authority, the capability, or the funding to regulate the drug market. We were talking about in this very Chamber, on both sides of the aisle, setting up another whole entity to regulate this agency. So now what do we do in the dark of night, and nonrelevant to the medical malpractice legislation, you want to stick in a provision to protect the pharmaceutical industry because the FDA approval somehow gives them a Good Housekeeping seal when you said here in the well that the FDA was not doing its job.

George Orwell would smile upon this Chamber for the hypocrisy that runs free. You have done it with the pharmaceutical industry in the prescription drug bill last year, with $132 billion in additional profits over 10 years, and now you give them liability protection that no other industry in the Nation has, to our knowledge. And all the while Americans will watch their TVs, read in their newspapers, and listen on radio of the case of an individual's death because of the medication he took that was prescribed, and Merck, the company, had data before that drug got approved that it would lead to heart attacks and premature deaths.

The right forum is the American court. Yet my colleagues want to do this. Let us have an up-and-down vote. Do not be scared. Do not hide behind some little rule. Come on out here. Put it out on the table, and let us have a vote. The Senate knew it was wrong and pulled it out. So do not hide behind the rule. If this is what you want to do, let us have an up-and-down vote. You can put your votes right up there if you want to stand with this industry, and then the American people can see what it is all about.

I would recommend to my colleagues on the other side that there is a gift ban here. You gave them $132 billion in additional profits last year. There is a gift ban. The gift has got to stopping giving to the pharmaceutical industry.

Mr. GINGREY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. PRICE), my physician colleague, an orthopedic surgeon.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and the bill. This debate, this issue is about patients and the principal challenge that we have. What is the principal challenge that we have? I believe it is that it is imperative that we provide a system which allows patients to have access to the highest level of health care, and we are losing this across this Nation for a variety of reasons, but not the least of which is the lottery mentality of our court system.

Our system is woefully broken. As a physician for over 25 years, as an orthopedic surgeon, I have seen a vast array of medical and surgical problems. I have also stood back and been astounded, astounded by certain surprising occurrences.

One was with a patient who was cared for by one of my partners. Not too long ago, across this land, we asked patients to identify whether their surgery was to be on the right side or the left side so that we did not operate on the wrong leg or the wrong arm. And we asked the patient in the preoperative area to identify which side was the correct side. This one patient marked the incorrect side. The patient did. He marked the wrong side on purpose. On purpose.

Thankfully, thankfully there were enough checks and balances in place in this hospital that it was caught just before the surgery began. When asked why he marked the wrong side, he said, I thought I'd take a chance and see if I could make some money.

This is the lottery mentality. This is the climate that we are in out there. Our system is woefully broken. The mentality in the system that we have right now drives hospitals to close, and it drives doctors to end their practice. And patients, then, lose the ability to see their doctor.

To ensure Americans have access to the highest-quality care, I encourage my colleagues to support both the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Arkansas (Mr. BERRY), who is a farmer and a pharmacist.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I continue to be amazed as I listen to this debate. I can tell you this, I know the difference between butter beans and turnip greens, and I am wondering if these folks from Georgia have figured that out. They said they passed tort reform, and still the insurance companies cannot make any money. They might need to retrain their docs.

I do not know what is going on in Georgia, but I can tell you this, you guys pass this bill and you are going to live under it too. It is going to be the law of the land, and you are going to have to live under it. When your people get hurt, when your family gets damaged, when somebody that does not know what they are doing hurts your family, when a drug company sells you a bad product and kills somebody in your family, you are going to live under this bill, too. Think about it. Is that what you really want to do?

Are you so in bed with the drug companies and the insurance companies that you just cannot pass up, as my colleague from Illinois just talked about, you just cannot pass up another opportunity to give them money? It is absolutely amazing.

The pharmaceutical industry in this country has proven beyond a shadow of a doubt that they do not care about people or anything else. All they care about is money. Give us more money. And this Republican Congress and this Republican President have given them money in the most unashamed possible way that I can imagine.

If you all really believe this is going to solve the health care cost problems in the United States, I have some ocean front property in Arkansas I would love to talk to you about.

This is the most incredible thing I have ever seen. How you have the audacity to come before this body and even make the claim that that is going to happen is beyond me, and then criticize me and my side of the aisle because we are protecting trial lawyers? My goodness alive, that is just absolutely amazing.

The bottom line here is this: just like the gentleman from Massachusetts said, the Committee on Rules is where democracy goes to die in the U.S. House. You will not even let us have an up-or-down vote. Let us have a vote. If you want to protect the drug companies, let it stand alone. Let us let you be on the voting block. Let your name be public and say, I protected the drug companies, I protected the insurance companies, I want to do all I can to help those people. Be accountable.

You are so proud of this, boy, I would get up here and I would really talk about it a lot. And when you go home, you are going to meet that person that you kept from having their day in court and that you ruined their life and there was nothing they could do about it because of this law. They are going

to be all over the place. Let us just hope it is not someone that is near and dear to you.

For me, there is not enough money to repay if you hurt my children or grandchildren. My grandson is sitting out here today. I have got three other grandchildren. There is not enough money in the whole wide world. And yet you all would limit their ability to be repaid to $250,000. That is, on its face, absolutely and utterly ridiculous; and why you would want to do that is beyond me.

□ 1745

And why you would want to do that is beyond me, and why you would want to do it for the drug companies is certainly beyond my ability to understand. But if you do it, you will ultimately be held accountable.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, eight States have specifically focused on pharmaceuticals and punitive damages and statutorily provide an FDA regulatory compliance defense against such damages. Those States are: Arizona, Colorado, Illinois, New Jersey, North Dakota, Ohio, Oregon and Utah.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of the rule and the bill. Without a doubt, medical liability lawsuits and the extravagant awards drain vital resources from our health care system, and the most important resource being drained is doctors.

In Chester County, Pennsylvania, where I live, which happens to be the wealthiest county of the 67 counties in Pennsylvania, we have no more trauma surgeons. One-third of Pennsylvania doctors in high-risk specialties said they plan to leave the State because of the huge malpractice insurance rates. Seventy percent of Pennsylvania doctors have considered closing their practice because of the cost of medical malpractice insurance.

A few years back, the Lancaster Health Alliance, another county I represent, was planning to open a new clinic to serve the poor in Lancaster, but a $1.5 million hike in malpractice insurance forced them to abandon the project.

In Pennsylvania and many other States, we have a crisis on our hands, and the cost of this crisis is measured in terms of doctors leaving, hospitals closing, new clinics not being built, and patients not being served. H.R. 5 is the right answer for the crisis. I urge my colleagues to support the legislation and the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I oppose this rule, and I oppose this overreaching bill. A lot of people on the other side of the aisle are trying to claim that caps on awards for victims of medical malpractice will help doctors. Some are claiming that caps on awards will even help patients.

The other side has one crucial fact wrong. Capping medical malpractice awards does not mean insurance rates will fall. A recent study, looking at premiums over the last 5 years, found that claims payments have been stable while premiums have more than doubled. In fact, malpractice insurers' total premiums were three times higher than total payments in 2004.

If we want to decrease medical malpractice insurance costs for doctors, let us talk about that. Let us talk about reducing medical errors by improving hospital resources and funding for graduate medical school education. Or let us talk about investigating insurance companies' pricing practices. But to pretend that this is medical malpractice awards set by juries and judges who have actually listened to victims' grievances, to put the blame for rising insurance costs on victims, that is not only cruel, it is completely false.

If we want to cap medical malpractice awards, let us call it for what it is: a gift to the insurance industry at the expense of innocent victims.

This bill hurts patients wrongly injured or killed by bad doctors, does not lower medical malpractice rates for the so many good doctors out there, and really only benefits the insurance companies. The other side would rather drive a wedge between two noble professions: doctors and lawyers. I say that is wrong-headed. Vote down this rule; and more importantly, vote down this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, listen to these numbers: 19, the number of States in a full-blown medical liability crisis; 72 percent, the number of Americans who favor a law that guarantees full payment for lost wages and medical expenses, but limits noneconomic damages; $70- to 127 billion a year, the cost of the defense of medicine, which could be significantly reduced by medical liability reforms; $10.2 billion, the amount of money paid out by licensed commercial insurers in 2002 for medical liability claims; 100 percent or more, the increase in liability insurance premiums that one-third of the Nation's hospitals saw in 2002; 48 percent, the proportion of America's medical students in their third or fourth year of medical school who indicated that the liability crisis was a factor in their choice of specialty, threatening patients' future access to critical services; 3.9 million, the increase in the number of Americans with health insurance if Congress were to pass common-sense reforms.

Mr. Speaker, we are not talking about anybody's right to a redress of grievances when they have been injured because of a physician or provider of care or a facility or hospital practicing below the standard of care in that local community. There are no limits on economic awards. As I said earlier, that could be $5 million. And as I said earlier, when you get into a courtroom and you listen to the plaintiff's attorney calculating the cost, the economic cost, a new home because of a disability access need costing $450,000, an au pair, a companion to go to the movies with the person that was injured, and on and on and on, these economic costs sometimes are astronomical.

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

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

Mr. PASCRELL. Mr. Speaker, I rise as an opponent to the rule that is before us, and I will vote ''no'' also on the bill.

I would like to go back to one of the speakers just a few moments ago who mentioned in his State Mag Mutual. Mag Mutual is one of the 12 largest monoline medical malpractice insurers in the United States. And in 2004, coincidentally, they had 216 percent above what is adequately called their surplus. They have excess surplus.

We have a crisis, we have a problem, but I personally believe that we are attacking the wrong folks in order to resolve the problem. The key words here are insurance reform. It is true that due to premium increases, the cost of practicing medicine in the State of New Jersey is rising at an unsustainable pace, but not for the reasons that the proponents of H.R. 5 are claiming.

According to the Kaiser Family Foundation, medical malpractice premiums are not rising because of claims or settlements. In fact, medical malpractice pay-outs have increased by 5.7 percent since 2001, and this is the chart to prove it. Payouts increased by 5.7 percent and 120 percent increase in premiums, you have the wrong dog in this race. Premiums nationally have risen over 120 percent in the same period. That is the real story.

Monetary caps are not the answer. You have not addressed the example that was put before this body: The Vioxx. Nobody wants to face that. Nobody wants to address that. A woman injured, cannot provide, cannot have a pregnancy, cannot give birth to a child, $250,000 cap. You have to be kidding me. I want that to be addressed. Monetary caps are not the answer.

Actually, the premiums in States without caps on damages are almost 10 percent lower than those with caps.

In California, Mississippi, Nevada, Ohio, Oklahoma, and Texas, insurers have continued to raise premiums despite the fact that these States passed caps. And what happened in California, they had Proposition 103. That is what leveled off, if we consider it leveling off, the antitrust exemption that rates began to finally come down.

It is a gift to the insurance companies, the HMOs, the medical institutions that harm patients and are filled

with liability protections for manufacturers of defective or harmful health care products. This is plain and simple.

The Committee on Rules prevented any Member from offering amendments to this legislation. It is too serious. We are talking about life or death in many cases; the substitute amendment of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Michigan (Mr. DINGELL) that takes steps to stop frivolous lawsuits, insurance reform and targeted assistance to the physicians in the communities who need it most. For these reasons I urge my colleagues to defeat the rule and this piece of legislation, H.R. 5.

Mr. GINGREY. Mr. Speaker, I yield myself 3 minutes.

A couple of minutes ago I was given some statistics. I want to continue in that vein. The gentleman from New Jersey (Mr. PASCRELL) just mentioned the situation in California. Of course, this bill, H.R. 5, is patterned after that very successful MICRA legislation, Medical Injury Compensation Reform Act, passed in 1979 in California. Here we are some 26 years later, and medical malpractice insurance premium rates have stabilized, growing only at about 6 percent per year.

But listen to these numbers in regard to whether people continue to get just compensation for their injuries when you do have a cap on so-called noneconomic or pain and suffering.

September 2003, 9-year-old boy, San Francisco jury awarded $70.9 million in compensatory damages after finding a hospital and a medical clinic negligent for failing to diagnose his metabolic disease.

December 2002, $84.250 million total award, Alameda County, a 5-year-old boy with cerebral palsy and quadriplegia because of delayed treatment of jaundice after birth.

January 1999, $21.789 million award, Los Angeles County, newborn girl with cerebral palsy and mental retardation because of a birth-related injury.

October 1997, $25 million total award, San Diego County, boy with severe brain damage, spastic quadriplegia, mental retardation because of too much anesthesia administered during a procedure.

November of 2000, $27.573 million, San Bernardino, California, 25-year-old woman with quadriplegia because of failure to diagnose a spinal injury.

July 2002, $12.5 million, Los Angeles County, 30-year-old homemaker with brain damage because of lack of oxygen during recovery from surgery.

Mr. Speaker, people are not being denied access to an opportunity to redress their grievances when they have been injured when someone has practiced below the standard of care. No physician member of this body, no physician in this United States would want anything like that. We want people to recover when one of our colleagues have indeed caused that harm.

Mr. Speaker, we know of cases in our own hospitals where lawsuits are brought against one of our colleagues where we know they practiced below the standard of care, and we are the biggest cheerleaders for the plaintiffs in those situations. H.R. 5 has nothing to do with that.

Mr. Speaker, we are just limiting this noneconomic so-called pain and suffering. It has worked in California, and it will work in the rest of the country.

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

□ 1800

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

I went to school and almost became a physician. I do not know what there is about some of the damages that the gentleman from Georgia calls so-called damages. I do not know how brain damage, losing my legs, double mastectomies, those kinds of things, are so-called punitive damages. If doctors commit those kinds of errors, they ought to be held accountable, and juries are the best place for that to occur.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding time.

Mr. Speaker, this is a perfect bill. It must be perfect because not one amendment will be allowed, including my amendment. Now, the Republicans say free markets. We want free markets. How come we do not have a free market in insurance, I ask them? The insurance industry is exempt from the antitrust law. They can and do get together legally and collude to drive up the price of insurance for every American in every line of insurance. Not just medical malpractice. That is legal for the insurance industry. It is not legal for the two corner gas stations. They would go to Federal prison. It is not legal for any other industry in America. But they would not allow a vote on my amendment just to say, let us have a market in insurance. Let us take away their antitrust exemption. Let us have competition. Maybe that will lower prices. They seem to believe in competition until their pockets are being filled at election time by an industry that is exempt from competition. But they say they are going to solve the problem here tonight with this bill.

Now, the other thing the gentleman from Georgia is not talking much about is why we should exempt the pharmaceutical industry for deadly and dangerous drugs, people who have died and been seriously injured, from any liability. What other industry in America has that exemption? So this is sort of a perfect bill; is it not? The two largest contributors to the Republicans are the pharmaceutical and insurance industries. The insurance industry is exempt from competition and antitrust law, and now they want to exempt the pharmaceutical industry from having to pay people for having killed their spouse, their children, or having perhaps caused so-called brain damage or a so-called heart attack or something else with a defective product. That is unbelievable.

I wish the gentleman would spend the rest of his time talking about why the pharmaceutical industry needs an exemption when they have actually maimed or killed people. If we are going to extend it to the pharmaceutical industry, how about the automobile industry? We have got a lot of industries in America that could use an exemption from liability that have to pay and go to court now. But, no, they are saying the pharmaceutical industry should not have to do that, because, as we know, they have the best interests of Americans at heart. That is why they do not want to allow us to import cheaper drugs from Canada, and they are threatening the Canadian Government. That is why they are the most consistently profitable industry in America when our seniors are cutting their drugs in half. No, they need protection from this horrible scourge of being sued when they have sold a defective product like Vioxx and actually concealed the tests from the American people and perhaps from the FDA.

I wish the gentleman would spend the rest of his time defending the antitrust exemption for the insurance industry, because if he believes in free markets, he should support my amendment. It should be part of this bill. We should get to vote on that. We should say, let us have competition in insurance. That will help the doctors. It is not the total solution, there are other things that need to be done, but that certainly would help the doctors.

It would help every other American with every other line of insurance, too. Your car insurance might come down. Your homeowner insurance might come down. But they do not want to allow that vote, and now they want to have a huge new exemption for the pharmaceutical industry. I guess we know who is lining up behind their next campaign with very generous contributions.

Mr. GINGREY. Mr. Speaker, I yield myself 2 minutes.

I am sure the gentleman from Oregon was not questioning anyone's motives in his remarks. I think maybe the section of H.R. 5 that says no punitive damages to a pharmaceutical company, a drug maker or a medical products manufacturer that makes something, a drug or a medical product, that has been ruled safe, it has gone through all FDA testing, there is absolutely no reason to suspect that the drug or product is defective based on phase 1, phase 2, phase 3 trials, and then something turns up. It only relieves that manufacturer of punitive damages. As I say, Mr. Speaker, maybe we ought to call that section the Oregon model, because that is the exact same thing that exists under Oregon law.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to the gentleman from Illinois (Mr. LIPINSKI), a new Member, the son of a former Member of the United States Congress, our former colleague Bill Lipinski.

Mr. LIPINSKI. I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise today in opposition to the closed rule on H.R. 5 and the underlying bill. There is a need for medical malpractice reform, and the amendments offered in the Rules Committee could have made this a good bill for improving access and care. But the Rules Committee refused consideration of all the amendments, including one that I offered that would have directly reduced the number of malpractice cases in court by facilitating the use of mediation. Mediation has proven to be a cost-effective and timely way to settle malpractice cases. Rush Medical Center in Chicago now has one-third of its cases go to mediation instead of litigation. Other hospitals around the country have begun to try to attempt similar programs, but have hit the roadblock of a lack of mediators with a medical background who are available.

My amendment would have provided grants to set up mediation programs and to train medical malpractice mediators. This would have done exactly what this bill purports to do, reduce the burden of litigation.

We should have the opportunity to debate this and all the amendments proposed. I urge my colleagues to vote against this rule and vote against this bill.

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

Mr. Speaker, in addition to about 75 percent of the American public that are in favor of placing caps on noneconomic damages, let me just list a few other organizations that are in favor of that as well: The American Academy of Family Physicians, the American Academy of Pediatricians, the American Association of Home and Services For the Aging, the American College of Emergency Physicians, the American College of Nurse Midwives, the American College of Obstetricians and Gynecologists, the American College of Surgeons, the American Health Care Association, the American Hospital Association, the American Medical Association; the absence, of course, of the American Trial Lawyers Association.

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

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

One of the previous speakers, the gentleman from Georgia (Mr. PRICE), said that some victims have won, quote, the malpractice lottery. Tell that to, for example, Ms. Linda McDougal, who had a double mastectomy because a doctor misdiagnosed her condition and recommended this radical procedure. Does the gentleman from Georgia (Mr. PRICE) really think that Ms. McDougal has won some sort of lottery? I just cannot believe that.

Key findings from ''The Growth of Physician Medical Malpractice Payments: Evidence From The National Practitioner Data Bank'' show that the average annual malpractice claim payout rose only 4 percent a year from 1991 to 2003, in line with the average overall increase in the cost of health care.

Time will not permit me to go into a litany of statistics and supporters, but I do want to point out that the thought seems to be that people do not want to practice medicine. Well, the number of doctors increased throughout the Nation from 1985 to 2001, even in States with no malpractice award caps. The study showed that there were 497,140 professionally active doctors in 1985 and 709,168 in 2001. The report found little evidence that doctors are leaving one State for another State with malpractice award caps.

Mr. Speaker, I urge Members to vote ''no'' on the previous question so I can amend the rule to make in order the Emanuel-Berry amendment. This amendment would strike from the bill a provision granting immunity to manufacturers of medical products from being sued when it is discovered that those manufacturers withheld potentially damaging information from the FDA and the public. The amendment was offered in the Rules Committee yesterday, but, like all the rest, was defeated on a straight party-line vote.

Mr. Speaker, I ask unanimous consent to print the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, what is a provision protecting the drug companies doing in a bill that is supposed to be about doctors' malpractice premiums? How does this provision ever get into this bill in the first place? My guess is that many of my colleagues who support this bill have been asking the same question and would vote to strike it from the bill if they were given the opportunity. But because of this closed rule, the House will not have the opportunity to strike this embarrassing sop to the pharmaceutical industry from this legislation. Defeating the previous question will give Members a chance to vote on what has now been dubbed the ''Merck loophole.''

This section is not just bad policy, Mr. Speaker, it is almost criminal. Every day we read about more evidence that the pharmaceutical company Merck concealed information about the risks of its FDA-approved drug Vioxx. I do not think any of my colleagues want to find themselves in the position of defending people who hid information about this drug that could have saved someone's life.

Vote ''no'' on the previous question so we can debate this important amendment. I want to make it very clear that a ''no'' vote will not stop us from considering this legislation. We will still be able to consider the medical malpractice legislation on the floor today. However, a ''yes'' vote will prevent us from considering the Emanuel amendment to strike this ill-conceived language.

Again, vote ''no'' on the previous question.

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

Mr. GINGREY. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, we had a situation a few years ago where on the homeland security bill at about 11 o'clock at night, they stuck language in the bill which prohibited class action lawsuits against the manufacturers of thimerosal, which is a preservative that is in vaccines, and 50 percent of it is ethyl mercury. We have hundreds of thousands of kids that have been damaged by ethyl mercury in vaccines. It is called thimerosal. The language in this bill, and I want to read it to you, says, ''No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where,'' and it goes on.

The way I read this, these people who have been damaged, and we have been fighting for years to get them the ability to get money from the Vaccine Injury Compensation Fund, one of the negotiating things that we have had is the language that is being put in this bill that is going to stop that. What this means simply is that if this passes with this language in it, the way I understand it, those people, those thousands and thousands of people that have children that have been damaged by thimerosal, mercury, in vaccines will have no recourse, and they cannot get any restitution out of the Vaccine Injury Compensation Fund the way it is right now. I do not know how this got in here, but I can tell you right now, this is not good. I want to support my chairman and the Rules Committee, but this language is not good.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, there is an exception that is provided for vaccine injury in the bill. I think it is also very important to note, as the gentleman from Georgia said earlier, that this deals with equipment and pharmaceutical products that have been approved by the Food and Drug Administration. That is the reason that this is provided, because that kind of direction that has come from the FDA is included.

Mr. BURTON of Indiana. Thimerosal was approved as well. You say there is

language in here that does exempt vaccines?

Mr. DREIER. Section 10, Effect on Other Laws, there is a vaccine injury exemption that is included in the bill. I have got it right here. I am happy to show it to the gentleman.

□ 1815

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

Mr. Speaker, in concluding this debate on House Resolution 385, I would like to encourage my colleagues to not only support this rule but also the underlying bill. I want to thank all of those who spoke on behalf of the rule and applaud them for their willingness to address this problem in an honest and an open fashion.

Unfortunately, some opponents of this legislation seem content to demagogue the issue and pander to those special interests who are determined to keep the playing field tilted in their favor.

Mr. Speaker, I include for the RECORD letters of the many organizations that have been submitted to me in support of this bill.

LETTERS OF SUPPORT

A. PIAA (Physician Insurers Association of America)

B. American Osteopathic Association

C. American College of Obstetricians and Gynecologists

D. American Academy of Ophthalmology

E. American College of Surgeons

F. The Society of Thoracic Surgeons

G. The Doctor's Company

H. Californians Allied for Patient Protection

I. Physicians Insurance

J. JPMSLIC Insurance Company

K. American College of Physicians

L. American Society of Anesthesiologists

M. Premier Advocacy

N. American Association of Nurse Anesthetists

O. American Medical Directors Association

P. American Association of Orthopaedic Surgeons

Q. American Medical Association—Michael Maves, Executive Vice President

R. Chamber of Commerce

S. American Benefits Council

T. American College of Cardiology

U. American Academy of Otolaryngology—Head and Neck Surgery

V. American College of Osteopathic Family Physicians

Mr. Speaker, some might not want to see reform, but I have list upon list and a binder full of organizations and individuals who recognize that we have a problem, and they see H.R. 5 as the solution. Over 200 medical organizations from the American Medical Association, the American College of Surgeons, to the American Dental Association to the United States Chamber of Commerce have urged this Congress to act now, not later.

A recent survey by the Health Coalition on Liability and Access found that 72 percent of Americans favor a law that would guarantee full payment for economic losses like lost pay and medical costs, but would limit noneconomic costs. With an overwhelming majority of the American people and most health care organizations in support of the language of this legislation, we in the House of Representatives cannot stand idly by with a good commonsense solution at our fingertips.

Again, this bill in no way, shape, or form limits the amount an individual can receive in economic damages. If someone's hospital bill or lost wages costs $50,000, $500,000, or even $5 million, they can still be awarded the full amount in damages less attorneys' costs and fees. If there are punitive damages that are applicable because a physician or health care provider deliberately, deliberately, causes injury to a patient, then punitive damages can be awarded double the economic damages. So if it were $5 million worth of economic damages, then there could be $10 million worth of punitive damages.

The same thing, Mr. Speaker, is applicable to medical product manufacturers and the pharmaceutical industry that produces these drugs. The other side would make us believe that they were granted complete immunity. Absolutely not, if they knowingly withheld information. Only economic damages are limited; and punitive damages, as I say, would be calculated by a responsible formula.

Finally, H.R. 5 ensures that victims benefit from a fairer system and they receive a greater portion of their damages. Ultimately, the biggest winner in H.R. 5 is the American consumer-patient who will have better access to health care and lower health care costs. I think that alone testifies to the importance of this bill and the need to put partisanship aside for the sake of the people who sent us here to represent them. They deserve no less.

Again, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. BARTON) for their timely consideration of this bill, as well as the gentleman from Texas (Mr. SMITH), who is the Courts, the Internet, and Intellectual Property Subcommittee chairman of the Committee on the Judiciary and floor manager of H.R. 5.

I again would encourage my colleagues to support House Resolution 385 and H.R. 5.

Mrs. CHRISTENSEN. Mr. Speaker, as most members of this body know, I am a physician, and a member of physician organizations who practiced family medicine for 21 years. So, I know this issue first hand, and I am deeply troubled about patients who will be denied just compensation under the approach this bill takes—caps on damages.

I am also outraged that physicians are being used as pawns in the game of political one-upmanship this bill plays with its narrow, misguided and ineffective focus and attack on trial lawyers.

And we all know, because we read the same reports that H.R. 5 bill will not fix the problem. The causes of high premiums are not the result of medical malpractice lawsuits or increasing payouts. In fact, a recent report commissioned by the Center for Justice and Democracy clearly demonstrates that over the last 5 years, there has been little to no increase in malpractice payouts.

Despite this, there have been humongous increases in malpractice insurance premiums. In fact, the report found that many of the leading malpractice insurers have substantially increased their premiums while decreasing their actual claims payments and reducing the amount they project to payout in the future, but significantly increasing their surplus or profits.

Let me just give you a few examples from the report so everyone understands:

1. In fact, in 2004 alone, the leading medical malpractice insurers took in about three times as much in premiums as they paid out in claims.

2. And, in 2004, the 15 leading malpractice carriers, taken in sum, increased their premiums by 9.3%, yet their losses fell by 21.1%.

3. Between 2000 and 2004, the premiums of the 15 leading medical malpractice insurers have more than doubled, yet the amount they paid out in claims during this same period remained constant. In fact, during this time frame, gross premiums increased 134.5% while gross payouts increased by 9.6%.

4. Another way to put it: between 2000 and 2004, the increase in premiums collected by the 15 leading medical malpractice insurers on a net basis was twenty-one times as great as the increase in payments on a net basis.

So not allowing for Democratic alternatives which sought to address the full scope of the malpractice problem, and provide a real remedy has precluded us from having a bill on the floor that merits our vote.

My colleagues please don't disrespect patients and their families and their pain and suffering; and do not play the hard working doctors.

Vote no on H.R. 5 and then let's pass a bill that truly addresses the crisis that many factors—like lack of insurance, language barriers, limited providers of color, inadequate funding for prevention and malpractice insurance coverage is creating.

Mr. SENSENBRENNER. Mr. Speaker, I wish to include in the CONGRESSIONAL RECORD an explanation for my decision not to participate in legislative consideration of H.R. 5, the "Help Efficient, Accessible, Low-Cost, Timely Healthcare ('HEALTH') Act of 2005."

House Rule III(1) states:

> Every Member . . . shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

House precedents establish that "where the subject matter before the House affects a class rather than individuals, the personal interest of Members who belong to the class is not such as to disqualify them from voting."

As a result, House precedent has held that a Member's ownership of common

stock in a corporation, ''was not, under House precedents, sufficient to disqualify him from voting on'' legislation that benefitted the corporation in which that Member held stock.

I currently own shares in at least two corporations that may benefit from the enactment of H.R. 5. Shares of these corporations are generally held, and do not represent ''uniquely-held'' financial interests. As a result, my participation in legislative consideration of H.R. 5 would not appear to violate current House Rules and established precedent. However, as in all matters susceptible to subjective examination, there are no bright line rules to determine whether a Member should not participate in legislation that may benefit that Member in a personal or financial manner.

In common parlance, the term ''conflict of interest'' is subject to various interpretations. However, the House Ethics Manual states that this term ''is limited in meaning; it denotes a situation in which an official's conduct of his office conflicts with his private economic affairs.''

The House Committee on Standards of Official Conduct has admonished all Members ''to avoid situations in which even an inference might be drawn suggesting improper action.''

The Committee on Standards and Ethics has also endorsed the principle that ''each individual Member has the responsibility of deciding for himself whether his personal interest in pending legislation requires that he abstain from voting.'' I have concluded that my holdings in at least two corporations that may benefit if H.R. 5 is enacted into law, coupled with my Chairmanship of the Committee of primary jurisdiction over this legislation, raise legitimate questions concerning whether my participation in this legislation conflicts with my private economic affairs.

While this may be a gray area, questions concerning whether my participation in legislation may raise the appearance of a conflict of interest must be subject to no doubt. As a result, I wish to forcefully dispel any appearance of such a conflict by recusing myself from legislative consideration of H.R. 5.

Participation in the political process, particularly voting on legislation, is central to maintaining the official responsibilities to which Members of Congress are sworn. In all of my public life, I have striven to energetically and conscientiously discharge my official responsibilities while preserving the public trust and confidence I have been elected to uphold.

While House rules may provide an important benchmark for determining the propriety of a Member's decision to vote on legislation before the House, nothing can substitute for a Member's conscience. For this reason, I hereby recuse myself from participation in legislative consideration of H.R. 5 during the 109th Congress.

Mr. LIPINSKI. Mr. Speaker, I rise today in opposition to the closed rule on H.R. 5, the HEALTH Act. There is a need for medical malpractice reform, and the amendments offered in the Rules Committee could have made this a good bill for improving patient access and care. I am deeply disappointed that the Committee refused consideration of all the amendments, including mine that would have reduced the number of malpractice cases in court by facilitating the use of mediation. Mediation has proven to be a cost-effective and timely way to settle malpractice cases. Rush Medical Center in Chicago now has one-third of its cases go to mediation instead of litigation. Other hospitals around the country have begun to implement similar programs, but have been hindered by the lack of mediators with a medical background. My amendment would have provided grants to set up mediation programs and to train medical malpractice mediators. This would have done exactly what this bill purports to do, reduce the burden of litigation. We should have an opportunity to debate this and all the amendments proposed, so I urge my colleagues to vote against this Rule.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to the rule and to the bill, H.R. 5. Republicans on the Rules Committee blocked the consideration of several amendments offered by me and my colleagues to this bill. This body should have the right to openly discuss and to consider each of these amendments.

One of the amendments blocked was one I offered that is modeled after the state of California's 1975 reform laws (Proposition 103) which has been successful in leveling off insurance rates.

My amendment would require the insurance commissioner or a similar public body in each respective State to hold public hearings when an insurer proposes a rate increase in premiums for medical malpractice liability insurance that exceed 15 percent. If a State has a lower insurance rate than 15 percent, this legislation would not apply.

Mr. Speaker, I believe that the issue of rising medical malpractice insurance premiums is best handled at the state level, as 29 states, including Illinois, have passed legislation to address this problem.

However, if Congress is going to consider legislation, it should be comprehensive. H.R. 5 is not a balanced piece of legislation. Earlier this year, I supported the Class Action Fairness bill because it was a product of bipartisan input and compromise. The bill we are considering today does not contain input from Democrats and fails to take a comprehensive approach to the problem of rising medical malpractice rates.

H.R. 5 is a caps only bill. Numerous studies show that caps alone do not lower insurance rates. According to the Medical Liability Monitor, states with caps on damages have average insurance premiums that are 9.8% higher than insurance premiums in states without caps on damages.

Under H.R. 5 insurance carriers can still raise rates any amount and at any time, without justifying their rate increases. A bill that only places caps on non-economic and punitive damages but does not provide insurance reform will not solve our medical malpractice crisis today.

The insurance industry has been very clear: passing caps on non-economic damages will not result in reduced medical practice premiums. A recent study by the National Council of Insurance Commissioners revealed that medical malpractice carriers in Illinois raised their rates 13% last year, despite the fact that their direct losses only increased 3%.

Serious reform of the insurance industry must be part of any attempt to bring the cost of medical malpractice premiums down.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. 385 H.R. 5—MEDICAL MALPRACTICE (''HEALTH'' ACT)

In the resolution strike ''and (2)'' and insert the following

''(2) the amendment printed in Section 2 of this resolution if offered by Representative Emanuel of Illinois or Representative Berry of Arkansas or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

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

''SEC. 3. The amendment by Representative Emanuel of Illinois and Representative Berry of Arkansas referred to in Section 1 is as follows:

''Strike section 7(c)''.

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

The SPEAKER pro tempore (Mr. BASS). 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, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 3045, DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 386 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 386

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3045) to implement the Dominican Republic-Central America-United States Free Trade Agreement. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 3045 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

SEC. 3. A motion to proceed to consideration of H.R. 3045 pursuant to section 151 of the Trade Act of 1974 shall be in order only if offered by the Majority Leader or his designee.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

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

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

Mr. DREIER. Mr. Speaker, with today's consideration of the Dominican Republic-Central America Free Trade Agreement, we are now embarking upon debate on one of the most important national security issues of the 109th Congress. At the same time, we are addressing the extraordinarily important issues of border protection and economic growth in this country and throughout this hemisphere. These issues are becoming increasingly intertwined.

Just last week, India's Prime Minister stood right here in this Chamber and spoke very eloquently when he said the following: ''Globalization has made the world so interdependent that none of us can ignore what happens elsewhere. Peace and prosperity are more indivisible than ever before in human history.''

Mr. Speaker, Prime Minister Singh is absolutely right. We cannot afford to pretend that poor, political, and economic conditions outside our borders do not affect the security of our Nation. As we work to spread democracy in Iraq, Afghanistan, and elsewhere to combat global terrorism, we must not neglect the anti-democracy, anti-American forces that are at work in Latin America.

Although our neighbors to the south have chosen democracy over dictatorship, their old oppressors still refuse to go quietly. Nicaragua's former communist dictator, Daniel Ortega, wants to return to power. He has tried time and time again, Mr. Speaker, to do that. And he is staking his campaign in large part on the defeat of the Dominican Republic-Central America Free Trade Agreement. He has found good company with Venezuela's Hugo Chavez, who is actively using his nation's oil proceeds to undermine democracy, free markets, and American interests throughout this hemisphere.

Together with Tomas Borge, the former defense minister, the only surviving founding member of the Sandinista Front, they oppose this agreement because it would solidify the region's commitment to political and economic freedom, thus subverting their plans for reinstalling leftist control in Nicaragua. The only alliance they seek would bind together other anti-American parties like Cuba's Fidel Castro.

Mr. Speaker, The Washington Post editorialized just yesterday in strong support of the Dominican Republic-Central America Free Trade Agreement, and they said the following: ''The defeat of CAFTA would help . . . anti-American demogogues, starting with Mr. Chavez. For them, the retreat of the United States from partnership with Central America would be a major victory.''

Mr. Speaker, ceding this victory to the likes of Chavez and Ortega clearly goes against our best interests, against our national security priorities. It would be the beginning of a return to the era that Central Americans, with the help of the United States, worked so hard during the decade of the 1980s to leave behind, an era marked by totalitarianism, unrest, and the poverty that breeds desperation. This would obviously be a harsh reality for the people of Central America.

But a return to the Ortega style of government would have grave consequences for the United States of America as well. Without political and economic freedom, there can be little hope for the future. And without hope, Central Americans with families to feed will look north for economic opportunity.

Nearly all illegal immigrants to the United States come in search of work because of limited opportunity at home. In fact, Mr. Speaker, T.J. Bonner, the president of the National Border Patrol Council, estimates that 98 percent of illegal immigrants come to this country for economic opportunity, seeking a chance to feed their families.

If we want to combat illegal immigration, we must address its root causes. By providing the tools for economic growth in the region, DR-CAFTA will create new opportunities and provide hope for the future in the region where these people are. The people of Central America will have a powerful incentive to stay and build their lives in their own countries rather than make the dangerous and illegal attempt to enter our country.

Rejecting this agreement, Mr. Speaker, would simply sanction, even exacerbate, the problem of illegal immigration. We simply cannot ignore the fact that the strength of democratic and free market institutions throughout the globe, particularly in our own backyard, directly impacts our own security. By the same token, we cannot ignore the fact that the worldwide marketplace directly impacts our own economic strength.

Mr. Speaker, we all know and everyone recognizes that we have a global economy. We live in a world that continues to shrink, enabling us to, in the words of the New York Times columnist Tom Friedman, ''reach around the world farther, faster, deeper, and cheaper than ever before.''

Mr. Speaker, new technologies are connecting the world's entrepreneurs, risk takers, creative thinkers, and capital, including human capital. This worldwide network has been a powerful engine for growth in the United States economy. We have grown to an $11.5 trillion economy. We are the world's largest exporter and importer. We lead the global economy not just by sheer size but by the force of our innovation.

But we cannot take our global economic leadership for granted. The worldwide economy is dynamic and fast paced. China has emerged as a global powerhouse and shows no signs whatsoever of slowing down. India, as we heard from the Prime Minister, is becoming a formidable competitor in one of our core areas of strength, the high-tech sector. Passage of the Dominican Republic-Central America Free Trade Agreement represents an opportunity we simply cannot afford to forfeit, the chance to dramatically strengthen our competitiveness as a country and as a region. Further integration of our regional economy will allow us to draw upon all of our strengths and resources to produce locally and compete globally.

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The DR–CAFTA and U.S. economies already complement each other well. The textile and apparel industries are a great example of that, Mr. Speaker. The DR–CAFTA region represents our second largest market for fabric and our largest market for yarn. Nearly 25 percent of U.S. fabric exports and 40 percent of U.S. yarn exports are sent to the Central American countries and the Dominican Republic. The region exports nearly all of its apparel; 97 percent of its apparel comes to consumers right here in the United States of America.

As a result of this close, complementary relationship, apparel manufactured in the DR–CAFTA region is made up of 80 percent U.S.-made content. By contrast, Chinese apparel is made up of less than 2 percent U.S. content. Again, that is 80 percent versus 2 percent in terms of American-made content.

Now, I ask my colleagues, Mr. Speaker, in the face of the Chinese juggernaut, why on Earth would we turn our backs on the very region that supports U.S. industries and offers the opportunity for us to effectively compete with China and other global competitors?

Trade with the DR–CAFTA countries is so important precisely because of this global context. The U.S. economy will not be weakened as a result of the people of Latin America lifting themselves out of poverty, but it will be weakened if we reject the economic partnerships that make us strong and enable us to compete in the global economy.

In this interconnected world, isolation is simply not possible. The state of the global economy affects our economic strength. Our economic partnerships affect the prosperity of our neighbors and the security of our borders. Prosperity leads to a greater commitment to the principles of political and economic freedom; and strong, democratic institutions throughout the globe lead to greater security for our country.

National security and economic competitiveness must be addressed in a comprehensive way that fully accounts for this interconnected global context. With DR–CAFTA, we have the opportunity, Mr. Speaker, to do just that. We can enhance our competitiveness while creating new opportunities for growth in the DR–CAFTA countries. By spurring economic growth, we can reduce the incentives for illegal immigration and strengthen democracy and the rule of law in the region. And, by supporting democratic institutions, we can advance our own security and our interests.

Mr. Speaker, I urge my colleagues to support this rule and the very important vote that we are going to have on the Dominican Republic Central American Free Trade Agreement so that we can enhance the quality of life and the standard of living for the people of the United States of America, for the people of the five Central American countries impacted by this, and the people of the Dominican Republic.

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

Mr. MCGOVERN. Mr. Speaker, I thank the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me the customary 30 minutes.

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

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

Today the House is debating a trade agreement of tremendous import not because the markets, exports or money involved are especially significant; the six countries involved, Costa Rica, El Salvador, Nicaragua, Guatemala, Honduras, and the Dominican Republic, are smaller in combined economic clout than the average midsize American city. Most of their products already enter the United States duty free, and our exports to them are modest.

No, Mr. Speaker, this debate is important because it brings into sharp focus the differences over what our global economy should look like, of how we in the United States and our global trading partners seek to grow our national economies, create good jobs at decent wages, and generate the kind of revenue necessary to provide basic public goods and services, promote human health, and protect the environment.

That is why, Mr. Speaker, this rule is an outrage, an absolute disgrace. It is one of the most disrespectful rules issued by the Committee on Rules, which has become infamous for shutting down debate.

This rule allows for only 2 hours of debate on the CAFTA Implementation Act. That is just 60 minutes each for supporters and opponents of this agreement to make their voices heard on this very important and very controversial trade agreement.

I know that nearly every Member on this side of the aisle would like an opportunity to speak on this bill, to make clear to the American people, and especially to their constituents at home, why he or she supports or opposes this trade bill. Mr. Speaker, if every opponent wanted time to speak, then this rule would allow each of them to have just 16.8 seconds to make a statement, and the same holds true for those Members who support CAFTA. What a mockery of the democratic process.

In 1993, when the Congress debated the North American Free Trade Agreement, the rule granted Members 8 hours of debate; 8 hours, Mr. Speaker. Sadly, since Republicans have exercised control of Congress, we have seen the complete erosion of debate on trade agreements, where now just 2 hours of debate has become the standard. Well, a couple of hours might serve for a debate on a Free Trade Agreement with Australia or Jordan or even Chile or Singapore, agreements that garnered fairly broad bipartisan support and were not viewed as very controversial.

But CAFTA is arguably the most controversial trade agreement that has come before this House since NAFTA, and the Members of this House deserve much better than the shabby treatment handed to them by the Republicans of the Committee on Rules.

Mr. Speaker, this is not a debate over whether or not to trade with Central America. We already trade extensively with Central American countries and the Dominican Republic. But this is a debate, Mr. Speaker, about people's jobs, both here in the United States and in Central America. Now, maybe they do not care about jobs on the other side of the aisle, but, to the average worker, it is a big deal.

I am tired of trade agreements that do not improve workers' wage protections or benefits, but, rather, are a rush to the bottom that puts profits above people.

Since 2000, the United States has lost 2.8 million manufacturing jobs and 1 million high-technology jobs. We now have a $162 billion trade deficit with China, and a $42 billion deficit with Mexico. Clearly, the rules of international trade have failed the American worker, the American standard of living, and the American dream, and have made American jobs our number one export. CAFTA will further this trend by rewarding companies that throw U.S. workers out on the streets and by creating jobs in countries where labor is cheapest, environmental laws are weakest, and where the rights of workers are violated and scorned.

But this rule, Mr. Speaker, will deny Members the right to debate these very serious matters.

I urge my colleagues on both sides of the aisle to reject this rule and demand the right to speak.

Mr. Speaker, today the House is debating a trade agreement of tremendous import—not because the markets, exports or money involved are especially significant—the six countries involved—Costa Rica, El Salvador, Nicaragua, Guatemala, Honduras and the Dominican Republic—are smaller in combined economic clout than the average mid-size American city. Most of their products already enter the United States duty-free, and our exports to them are modest.

No, Mr. Speaker, this debate is important because it brings into sharp focus the differences over what our global economy should look like; of how we in the United States and our global trading partners seek to grow our national economies, create good jobs at decent wages, and generate the kind of revenue necessary to provide basic public goods and services, promote human health, and protect the environment.

This is not a debate over whether or not to trade with Central America. We already trade extensively with all the Central American countries and the Dominican Republic. In addition, we have special trade relations with all of them under the GSP and the Caribbean Basin Initiative.

Mr. Speaker, the months and weeks leading up to this vote have been filled with the sounds of battle between so-called "free trade" versus "fair trade." Mr. Speaker, I am more interested in "smart" trade.

Smart trade is about who gets protected under this agreement and who does not.

Smart trade provides significant gains for U.S. workers and consumers, as well as businesses.

Smart trade supports and strengthens development, democracy and the rule of law.

Smart trade guarantees economic opportunity for those who may be displaced by trade.

Smart trade is concerned about what happens to the most vulnerable—in our country and in our trading partners.

Smart trade is sustainable, both here at home and abroad, because it is created in a bipartisan fashion—and because it brings the benefits of trade to all countries, and to all the people of those countries, including the poorest.

Judged against these standards and principles, CAFTA is neither ''free'' nor ''fair'' trade, and it is certainly not ''smart trade.''

Mr. Speaker, since the year 2000, the United States has lost 2.8 million manufacturing jobs and one million high-technology jobs. We now have a $162 billion trade deficit with China and a $45 billion deficit with Mexico. Clearly, the rules of international trade have failed the American worker, the American standard of living and the American dream, and have made American jobs our number one export. CAFTA will further this trend by rewarding companies that throw U.S. workers out on the streets, and by creating jobs in countries where labor is cheapest, environmental laws are weakest, and where the rights of workers are violated and scorned.

Even so, CAFTA is not likely to provide any real increase in U.S. jobs or production. The six CAFTA countries together currently account for barely one percent of U.S. trade. In addition, about 80 percent of the people in CAFTA countries live at or below the poverty line—which is about two to three dollars a day—or $400 to $900 a year, depending on which country we're looking at. Almost half the population works in subsistence agriculture. The only significant export industries in these countries—with the exception of Costa Rica—are apparel and agriculture.

This is the reality of life in Central America, and it should be a sobering reminder to all of us: The overwhelming majority of people in the CAFTA–DR region are not consumers of high-value American goods—but they are extremely vulnerable to the kind of dislocation caused by such trade openings.

Mr. Speaker, we should not visit the mistakes of NAFTA upon the people of Central America. To take just one example, wages for Mexican workers are even lower today than they were before NAFTA.

And while U.S. agricultural exports to Mexico greatly increased, millions of poor Mexican farmers lost what little income they had, often even losing their small plots of land. In order to survive, they now farm even more marginal land, cut down forests, or use chemical inputs that pollute the water and poison the soil. Is this what we have in mind for Central America's campesino farmers? It is if we adopt this CAFTA agreement.

Mr. Speaker, a critical issue in strengthening democracy is to protect and expand human rights. Workers' rights are human rights. They are not a luxury. As every wealthy nation can attest, they are central to improving living standards and quality of life, and creating a broad middle class.

While there are a number of labor provisions in the CAFTA agreement, they are enforceable under only one trigger: Namely, if a country fails to enforce its own labor laws. CAFTA countries' labor laws, Mr. Speaker, are internationally recognized as weak.

Whether you are looking at reports by Human Rights Watch, Amnesty International, the International Labor Organization, the United Nations, or our own State Department Country Reports—Central American labor laws are criticized for failing to meet international standards of freedom of association, the right to organize, and the right to bargain collectively. This doesn't even begin to touch upon the lack of health and safety guarantees in the workplace.

Also universally acknowledged is that even these weak laws are not enforced. Ineffective judicial systems, coupled with the power exercised by political and economic elites, derail nearly every attempt to enforce current labor laws.

We had an opportunity under CAFTA to negotiate provisions that would have promoted the enactment of stronger labor laws and dispute mechanisms in the CAFTA region. But under the agreement before us today, that opportunity has been squandered.

Mr. Speaker, I am very familiar with the CAFTA region. I have traveled widely throughout Central America, especially in El Salvador, Guatemala and Nicaragua. I have formed deep attachments to the people of this region, and I appreciate how far these countries have come since the wars there ended. I want to see their democracies thrive; I want to see their lives and livelihoods improve; and I think a good trade agreement could make a valuable contribution to these efforts.

But this CAFTA is not such an agreement.

All the issues of concern that will be raised during today's debate are not new. They have been cited and documented for the past 3 years in anticipation of the initiation of talks between the U.S. and the Central American governments, during the negotiations, and after CAFTA was signed.

The central design for fast-track, up-or-down voting procedures on trade agreements was to place a premium on consultation and accommodation during the conception and negotiations of trade agreements—in effect, to pursue a bipartisan trade policy. But the DR–CAFTA negotiations turned its back on this process. Not just Democrats—but anyone and everyone who tried to raise issues about labor rights, or environmental protection, or transparency and participation, or the need for access by the poor to critical life-saving drugs, or the vulnerability of critical agricultural or manufacturing industries, or the need to account for the vulnerability of the rural poor—were completely and totally shut down and shut out.

This is why this trade agreement in particular has been so universally criticized throughout Central American and the United States by religious leaders and communities, labor organizations, campesino groups, environmental and women's organizations, legal advocates, small farmers, and consumer groups.

When the U.S. Trade Representative announces there is absolutely no way for CAFTA to be renegotiated, I can only ask, ''Why not?'' If the fast track, one-vote-is-all-you-get process results in the defeat of this CAFTA agreement, then wouldn't the House clearly be calling for a renegotiation of the agreement? Saying—Pay attention to our concerns and go back to the table? It took the Bush administration barely 1 year to negotiate this CAFTA—why not take some time to get it right?

Mr. Speaker, this agreement fails to learn from the mistakes of NAFTA. It fails poor workers and poor farmers throughout the CAFTA region, who make up the majority of the people. And most importantly, it fails our own workers, consumers and communities.

Vote it down, Mr. Speaker. Vote it down.

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

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

Let me just say that one of our colleagues on the Committee on Rules, the gentleman from Utah (Mr. BISHOP), said we should make it retroactive, the 2 hours of debate. We clearly have been debating this issue for weeks and months, Special Orders have been taken out here, and we are looking forward to a rigorous debate not only during the hour on this rule, but for an additional 2 hours, or 3 hours this evening at this point.

Mr. Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), my very distinguished friend, the vice chairman of the Committee on Rules, and a great champion for political pluralism and democratic institutions in this region.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, every once in a while, a vote comes before us that is evidently more than important, and this is one such vote. This is an historic vote that we are taking today on a special relationship with the countries of Central America and the Dominican Republic. Those countries, their Presidents, their Parliaments, have taken a definitive step; they have resisted the totalitarian temptations, the destabilization efforts of the axis of Ortega and Chavez with his hundreds of millions of dollars that he is pouring into these countries and the entire region to destabilize them. They have resisted that access, and they have voted for a special relationship with the United States.

Talk about pressure, I say to my colleagues. Mr. Speaker, the pressures that are genuine, that are extraordinary, are the ones that are felt by those countries, the countries of Central America and the Dominican Republic, to accept, to go forth with a totalitarian temptation, and they have rejected that.

They have provided troops to help us in the war against terrorism in Iraq. What would we be saying, Mr. Speaker, if we voted against CAFTA today? ''Thank you. Thank you for your help in Iraq. Thank you for progressing with democratic reforms, for establishing democracy. Thank you, but no thanks. We do not want you to tie your histories, your destinies, your futures to the United States, which is what you have decided to do.''

We have an obligation, Mr. Speaker, to say, yes, we are proud of our special relationship with our brother countries of this hemisphere. We recognize that you are our allies, you are our friends. You have stood with us in peace, you have stood with us in war, you have decided to tie your futures to us, and we say, welcome.

That is what this vote is all about, Mr. Speaker. It is a critically important historic vote. Say ''yes'' to the rule and say ''yes'' to this agreement. Say ''yes'' to CAFTA.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 5 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the ranking Democrat on the Committee on Rules and someone who believes that we should have a deliberative process here in the House.

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

Mr. Speaker, I am deeply concerned that as this discussion on CAFTA moves forward that the majority will, once again, succumb to the temptation to twist, bend, and break off the rules of debate and consideration in order to meet their objectives, just as they did during the Medicare debate of the 108th Congress.

During that debate the vote on final passage was held open for a shameful 3 hours while the Republican leadership twisted arms and cut deals to make up their vote deficit. The events of that night constituted one of the worst abuses of power I have witnessed in my almost 20 years in this House.

In the aftermath, allegations of bribery were leveled by a Republican Congressman, and an Ethics Committee investigation followed closely behind, one that ended in the admonishment of the majority leader of this House.

It is no secret that, just like last time, the Republican leadership is desperately scrambling to find the votes necessary to pass this bill, which I and many of my colleagues strongly oppose. But I would warn my friends in the majority that we dare not see a return to those underhanded tactics used by the leadership during the 108th Congress. There should be no votes held open for 3 hours. There should be no unethical arm-twisting on this House floor. The American people are watching this time.

Sadly, though, we are already seeing evidence that this pattern of abuse will once again carry the day. Last night in the Committee on Rules, we were given a paltry 1 hour's notice by the Republicans that we would be considering the most controversial trade agreement this body has contemplated since NAFTA. And of the three contentious bills that we considered in the Committee on Rules, not a single amendment was allowed, nor even a single substitute. It was a shut-out of democracy. And coming from a country trying to export democracy to the rest of the world, it showed us on our side of the Committee on Rules that we do not have it right yet.

Even though the House rules clearly state that 20 hours of debate is appropriate for a trade agreement, we offered to accept only 8 hours as a compromise, but that was too much democracy for this leadership. For the most contested trade agreement this body has considered in 12 years, we will have a whopping 2 hours of debate, less time than it would take you to watch ''Saving Private Ryan'' on a DVD.

We were actually given more time to debate the renaming of five post offices Monday. Most high school debate teams spend more time considering the serious issues that face our country than we do here in the House.

But CAFTA clearly warrants our full and undivided attention. This is a major piece of legislation that will affect the lives of every American. CAFTA threatens to export even more American jobs and encourages American companies to relocate their factories in other countries. It does not provide adequate protection for workers, it turns back the clock on labor standards, and it does not provide any safeguards for improving environmental standards.

We need trade agreements that expand our access to the new markets and raise the standard of living for American families. This legislation falls far short on each of those standards.

As the arbiters of the rules of this hallowed institution, the Committee on Rules has a special responsibility to ensure that the integrity of the democratic process is preserved. That is why last night I asked the Republicans on the Committee on Rules for their assurance that we will not again see the egregious abuses of power and the trampling of the democratic process that we experienced in the last Congress on the Medicare debate, because we should be having 8 hours of debate and a 15-minute vote, not the other way around. Their reply was that ''rules would be followed,'' but they must not have meant the Rules of the House of Representatives when they made that promise, because what actually followed was a shut-down of any consideration of amendments to the medical malpractice bill, the prevention of any up-or-down votes on amendments to the China Trade Act, and the restriction of debate in consideration of CAFTA.

For the sake of the millions of American families depending on this Congress to spend the time and get it right on legislation, and especially on CAFTA, I hope that this time the debate lasts longer than the vote.

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

Mr. Speaker, let me just say that this rule is in compliance with the 1974 Trade Act, which calls for an up-or-down vote on these agreements.

And I also believe that it is very important to note, as my colleague has just pointed out, that for more than a decade, on every single trade agreement that has come before this House, we have had 2 hours of general debate.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me the time. I want to congratulate him on the work that he has done on free trade issues in this Congress.

Mr. Speaker, I rise in support of this rule and the underlying bill, to implement the Dominican Republic-Central America-United States Free Trade Agreement. This agreement is especially important for my State of Washington, which is one of the most trade-dependent States in the Nation.

Mr. Speaker, we live in a global economy. And while 80 percent of Central American and Dominican Republic products enter the United States duty free, American exports face tariffs of 33 to 100 percent or higher in these countries; this is simply not a level playing field.

By approving CAFTA–DR, tariffs on American exports will be drastically reduced or eliminated. In fact, under CAFTA–DR, 80 percent of U.S. exports will become duty free immediately and the remaining tariffs will be phased out over 10 years.

Mr. Speaker, more than half of current U.S. farm exports to Central America and the Dominican Republic will gain immediately duty-free access, including beef, wheat, wine, fruits, and vegetables.

In particular, the agreement includes a provision I worked for that would grant central Washington's apple, pear, and cherry growers immediate duty-free access to Central American and to Dominican Republic markets.

These tariffs currently range from 14 to 25 percent. And our fruit growers' major competitor in the region, Chile, which has already signed a trade treatment with CAFTA countries, is not subject to similar duties. This does level the playing field.

Mr. Speaker, this agreement will help potato growers in central Washington fairly compete with Canadian potato exporters who are subject to lower tariffs because of favorable trade agreements reached by Canada and Costa Rica. According to the Washington State Potato Commission, central Washington and U.S. potato exports to Costa Rica have declined by 81 percent as a result of the Canada-Costa Rica agreement, and U.S. producers will continue to lose market share unless CAFTA–DR is approved.

Many associations in my State have voiced support for CAFTA–DR, including the Washington State Farm Bureau, the Northwest Horticultural Council, the Washington State Hispanic Chamber of Commerce, the Washington Apple Commission, the Washington State Potato Commission, to name only a few.

Mr. Speaker, CAFTA–DR will help level the playing field for our farmers and tree fruit growers and is a crucial step forward for agriculture and many other industries that create jobs and play important roles in the long-term growth of our economy.

The Senate has approved this agreement by a vote of 54 to 45. It is now time for the House to do the same to ensure that this measure and the benefits that it will provide will become law.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS) who believes that if 8 hours of debate was good enough for NAFTA, it should be good enough for CAFTA.

Mr. HASTINGS of Florida. I thank the gentleman for yielding me the time. Mr. Speaker, I thank him also for his articulate leadership on this issue and the others which affect working people throughout this country.

Let my say at the outset, I opposed this closed rule and the limited amount of time to debate the underlying legislation. Like the owner of the restaurant in Casablanca who feigned surprise at the illegal gambling in his club, let me just say that I am shocked, shocked that the majority would bring a bill of such importance to the House floor and only permit 2 hours of debate to be split by the 440 Members of the House of Representatives.

This is not about trade. Trade is a two-way economic street. And the simple fact of the matter is, no one can demonstrate to me what Guatemala and Nicaragua are going to be buying from Florida and elsewhere in the United States. It is a one-way agreement.

Look, NAFTA was bad for your district like it was for the State of Florida. This deal is going to make things worse. If CAFTA is like NAFTA, too many Americans will get the shafta. Ten years of NAFTA have shown just how devastating these agreements can be for working families and the environment.

Florida has lost more than 35,000 jobs because of NAFTA. Industries that once were thriving and successful in the State of Florida and elsewhere in this Nation employing tens of thousands of hard-working Americans have been shipped south of the border where labor is cheap and environmental protections are but a figment of our imagination

Mr. Speaker, I voted for NAFTA and the administration was unable to uphold the things that they said they were going to do with reference to the environment and labor standards. And I doubt very seriously if this administration can do any better than the previous one. My distinguished friend, and he is my good friend, the gentleman from California (Mr. DREIER), began his remarks this evening by saying national security and border security.

I invite the chairman to tell me how it is our border security is better on Mexico because of NAFTA, or that our national security is better. In western Palm Beach County, a region which I am proud to represent, and is our country's second most sugar cane-intensive area, unemployment is already above 15 percent.

Under CAFTA, the future of this industry, which provides more than 20,000 jobs to this area alone, will undoubtedly be in jeopardy.

Considering who wins and who loses with CAFTA, it is clear that only the most selfish of fat cats would favor this terrible agreement. I challenge any of my colleagues to raise a family on a minimum wage in America, and indeed to find a job in America when CAFTA has sucked yet more of our factories and other businesses out of our country.

But a bigger challenge would be to survive as a campesino in any Central American nation, where wages are even lower, where environmental controls are weak or non-existent, where there is little or no access to health care, and where openly complaining about working conditions could mean death or disappearance. This is what the majority claims they want to approve today. We should be ashamed of ourselves.

Mr. Speaker, I urge a ''no'' vote.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I have heard for so long we keep talking about NAFTA as if it was somewhat of a disaster. But I think there are some statistics that have to be really examined when we are talking about NAFTA.

Sure, there have been some jobs lost in this country because of NAFTA. There have also been some jobs created. In fact, there are many more jobs created since NAFTA than there are jobs that went overseas.

Since NAFTA was formed in 1994, U.S. exports of manufacturing goods to Canada and Mexico have grown 55 percent faster than shipments to the rest of the world. And when you look down and see what has happened in Chile, actually our exports have vastly outpaced our imports from Chile.

Now, let U.S. talk about what we are trying to do here. We are just trying to have fair trade. Right now, the Central American countries have a preference where their goods come into this country without paying any meaningful tariffs, and there are very few areas where they are restricted.

We simply now say give U.S. that privilege in Central America, and Central America says, yes, we will do that, because they know that that is good for their future.

And we have another thing to do think about. What about the security interests there? I was here and the gentleman from California (Mr. DREIER) when we first came in 1981 during the Reagan administration. We had huge security problems in Central America. Communism was on the rise; Castro was having all kinds of influence in that part of the world.

Since then, wonderful things have happened. These communist countries have collapsed. They have embraced democracy. They have embraced capitalism. And they are looking where? They are looking north to the United States. There is where they find their future. There is where their future is. Let us not cut them short.

This is a good, good bill. It is well balanced. It is good for American business. It is good for American farmers. It is good for American laborers. Let us get together and pass this bill.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to gentlewoman from California (Ms. MATSUI).

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and the underlying measure to implement CAFTA. As we debate CAFTA, I can only express my disappointment from the restrictive rule limiting debate to the failure of the administration to use the full force and weight of the United States in negotiating all aspects of this agreement.

Because CAFTA has sparked much debate, the House needs robust discussion of this legislation. And during the Rules Committee hearing on CAFTA, I offered an amendment to allow 8 hours of debate, the same as for NAFTA.

But the Republicans on the committee voted down the amendment. And we have a mere 2 hours to debate an agreement, which in its entirety is over 3,600 pages, the implications of which may well determine the future direction of U.S. trade policy.

As a world leader, the United States has a crucial role to play on trade. We cannot step back from the global community. However, free trade must be tempered with meaningful policy which acknowledges that each trade agreement produces winners and losers, and it is our responsibility to do right by those displaced in the process.

CAFTA falls far short in this regard and is thus fatally flawed. Those flaws are apparent throughout CAFTA's chapters and are most egregious on labor and environmental protections, for CAFTA offers only tokens and symbols.

In contrast are the intellectual property provisions where it is obvious the United States Trade Representative used the full weight of the United States to ensure protection for business interests.

This administration's handling of workers' protections relative to other issues raises troubling questions about their agenda for these negotiations. The only enforceable worker protections in CAFTA state that participating countries must enforce their own laws. It does not set any standards those laws must meet.

Yet CAFTA countries already have a history of failing to provide even minimal worker protections.

There is nothing within CAFTA to prohibit these countries from weakening their labor laws. If a CAFTA country wants to pass a law that encourages child labor, CAFTA merely requires that country to enforce its own law. These enforcement provisions are a step back from the previous accord governing trade with Central America established in 1984.

This is different than labor management debates here in the United States. This is about basic human decency and fairness. There is a reason for the bipartisan opposition to CAFTA. It cannot pass this Chamber on its merits.

I am sure no one will be surprised if this vote is held open until enough Members relent, as we have seen before. But this flawed agreement should be returned to the President to be renegotiated.

Trade is a powerful phenomenon that is capable or raising living standards, encouraging innovation, and building lasting ties between nations. And as we work to conclude the Doha Round, global trade is at a critical point.

America must promote trade policies that acknowledge the fundamental rights of workers and reassert our belief that the benefits of trade should flow throughout the population. If the House passes CAFTA, we will be abdicating this duty.

The future direction of trade will be shaped by our actions today, as the implication of the vote will resonate far beyond Latin America. While trade agreements encourage the flow of goods and services, they also embody important values and principles.

What message does it send if we start passing trade agreements that concentrate benefits in the hands of special interests and the privileged few at the expense of workers in the United States and in some of the poorest countries in the world?

I have heard some of my colleagues on the other side of the aisle hesitantly talk about this agreement saying trade is usually a good thing, so I guess I will vote for CAFTA.

I say to you, that, yes, free trade agreements are a good thing, but only when based on solid principles that reflect the concern for all parties involved. CAFTA fails to meet the standard.

I urge my colleagues to reject this inferior agreement. If we do not get CAFTA right, we risk undercutting support for all future trade agreements.

□ 1900

Mr. DREIER. Mr. Speaker, I would say to my colleague that free trade is a good thing. The labor rights that are recognized here in the opening up of markets for U.S. workers into Central America is very important.

Mr. Speaker, I yield 2 minutes to the gentleman from Indianapolis, Indiana (Mr. BURTON), my very good friend, the distinguished chairman of the Subcommittee on the Western Hemisphere, who has been a champion for freedom and democracy in Central America for years.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague for that very eloquent introduction. I am not sure I deserve it, but I appreciate it.

Let me say to my colleagues who are undecided and my colleagues on the Democrat side of the aisle, I voted against NAFTA. I voted against GATT. I voted against the World Trade Organization. So why am I for CAFTA? And I want to tell you why, because I think it is extremely important. There are three reasons.

First of all, right now as the gentleman from Florida (Mr. SHAW) said a minute ago, the trade balance is in favor of the countries in the Caribbean and the Central American nations because they have duty free into our country, and we have to pay a duty to sell products in their country. CAFTA will change that. It will balance it out so there will be free trade in both directions. That will encourage more trade in both directions.

Second, this is a national security issue, and the President of the United States talked about this today, and we need to talk about it right now on this floor.

The gentleman from Florida (Mr. SHAW) talked about what went on in the early 1980s when we had wars in Nicaragua and El Salvador, and people's bodies were laying all over the place because of this insurrection and these civil wars down there. If we do not do something to stabilize those countries in Central and South America, we will see wars not only in Nicaragua and El Salvador and possibly other Central American countries, we will see them in South America. We have got governments down there that are trying to export revolution right now by undermining some of the fledgling democracies in Central and South America.

CAFTA is one of the mechanisms that we could use to stabilize those fledgling democracy by creating more jobs and helping fight poverty in those countries. It is extremely important from a national security standpoint. That is one of my biggest concerns. If there is destabilization in those Central and South American countries, you can rest assured that there will be massive flight from those countries when wars break out, and they will be coming north. We have an immigration problem right now that we must solve, and we have talked about this time and again. But the problem is going to be exacerbated and made a lot worse if we let those countries, those fledgling democracies, starting to be destabilized by revolutionaries. There are governments down there right now that are using their resources to undermine some of these democracies, and we need to do everything we can to countermand that.

This is a very important piece of legislation. It is very important. I hope my colleagues will see that and vote for it.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), who believes that it is shameful that the majority has stifled debate on this important trade agreement.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I want to make a quick note of this. Is the previous speaker arguing that NAFTA derailed illegal immigration to the United States or slowed it down?

Mr. Speaker, let me stand in opposition to the Central American Free Trade Agreement. Let me say at the outset that I do not reflexively oppose international trade. The previous speaker noted the trade agreements he has voted against. Let me talk about the trade agreements I have voted for, all of them from this administration: Australia, Singapore, Chile, Morocco; and in the past, China, GATT and WTO.

I know that done the right way with carefully balanced provisions, these agreements can expand the U.S. economy and create jobs. Trade can really be good for American workers and American businesses. Indeed, I believe we could have struck an acceptable agreement with Central America. I have no choice but to oppose this agreement because it failed to reach a crucial balance. In truth, it did not even come close.

CAFTA would exacerbate the crisis in our country's trade deficit, and it is completely unfair to U.S. workers and companies. We have already got trade deficits with every one of the CAFTA countries, and this agreement will only make that situation worse. What is more, it is the first time that the United States has negotiated a trade agreement with developing countries that have weak labor laws and histories of violent suppression of worker rights.

CAFTA should have stipulated that our trading partners adhere to basic internationally recognized labor standards like prohibitions on child labor, prison labor, and guaranteeing workers the right to organize. Instead, it only requires that those countries enforce whatever laws they happen to have on their books. Those laws are wholly inadequate, and they will only get worse because CAFTA will set off a race to the bottom. We are already seeing it. Some of the CAFTA countries have already taken steps to water down their labor laws so that they are the cheapest destination for foreign investment.

This CAFTA agreement passed up an opportunity to conduct trade the right way. It passed up an opportunity to expand the U.S. economy and create jobs. It passed up an opportunity to help our neighbors to the south develop safe and decent workplaces. It passed up an opportunity to reduce our country's trade deficit. It passed up an opportunity to do the right thing by U.S. workers and firms.

I intend to oppose this misguided agreement, and I urge the rest of the Members of this institution to do the same.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to the very distinguished gentleman from Birmingham, Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I rise in support of the rule. Let me say that there have been several newspaper articles lately dealing with these side agreements that we had under NAFTA and China, NTPR, and the two fast tracks. And, in fact, here is one in a

newspaper yesterday after the side agreement that we made on textiles. It said, The nonprofit Public Citizen reviewed past trade votes and found that 89 percent of the side deals affecting trade policy were broken. Never enacted. And, in fact, I got that information, and it is about a 40-page attachment with all the broken side agreements. Very sobering to read. Promises made in the midst of negotiations, then promises broken.

But let me just say this, and I want to be positive here. These are the trade agreements, these are the side agreements that President Bush made, and although there have been almost 89 broken agreements, President Clinton, of all the ones he has made, 3 of the over 80 have been by President Bush. The vast majority of the side agreements that President Bush has made he has kept, and they are on the books today.

So is there a difference between this and past agreements? I think the difference is that we have a President who has honored his side agreements in the past 3 or 4 years and will honor them again. That is his track record. He has made side agreements, and the vast majority of those he has abided by.

As we talk about these side agreements, and I will just say that here it says, ''Democrats opposing CAFTA have warned colleagues about last-minute promises in exchange for votes. 'Side letters and so-called side agreements promised are not worth the paper they are written on,' said Sherrod Brown, Democrat of Ohio, Jan Schakowsky, Democrat of Illinois.''

There is a lot of truth to that. There is a record of broken side agreements, but not by President Bush. The Business Week says, ''Signed, sealed and undelivered. The history of broken side agreements.'' That was in the paper about CAFTA.

Again, I will say to you, this President has honored his agreements.

Mr. MCGOVERN. Mr. Speaker, let me just say, if it is not in the agreement, it is not in the agreement.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), who believes that the debate on CAFTA should be longer than the vote on CAFTA.

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

Mr. MENENDEZ. Mr. Speaker, the Republican leadership has submitted a rule for CAFTA that makes a mockery of our Democratic process. The restrictive rule is part and parcel of a Republican leadership strategy to win passage of CAFTA at any cost, whatever the price to the taxpayer, whatever the damage to the fabric of our democracy. The Republican leadership has shown that when it comes to CAFTA, they will cross any line and stifle any voice.

CAFTA will hurt workers here at home and devastate the lives of the rural poor in Central America, a region where the inequality of income is the leading economic and political challenge. It will widen the gap between the haves and have-nots, weaken labor and environmental standards, and set a dangerous precedent for future trade agreements.

Carnegie Endowment points out that under NAFTA, the rural population in Mexico suffered the greatest consequences, losing 1.3 million agricultural jobs. Repeating that outcome in Central America will leave only more of the poorest in the region to migrate north, further exacerbating the challenges we face in securing our border.

It is appalling and inexcusable how President Bush has sold the CAFTA deal with one hand while busily cutting aid that helps the poor throughout Central America with the other. Not only is this agreement bad for Central America, it also undermines labor policy and workers around the world. Under this agreement, countries get paid for the abuses suffered by workers because the fines paid for violations go to the countries in which it was committed. Some justice.

Tonight will be a defining moment for this Congress. The American people are watching this debate, and they will not stand for waking up tomorrow to read that in the darkness of the night, the leadership of this House has passed yet another bill by holding a vote open for hours while the purveyors of threats and intimidation perform their work under the cover of darkness.

This ill-conceived measure is a bad deal for workers, a bad deal for America, and a bad vote.

Mr. DREIER. Mr. Speaker, as I listen to people malign the procedure we are going under, let me just say the procedure is the procedure that is prescribed by the 1974 Trade Act, which says, ''No amendment to an implementing bill or approval resolution shall be in order in either the House of Representatives or the Senate.''

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), a the dear friend, a hard-working Member committed to free trade.

Mr. HENSARLING. Mr. Speaker, I rise tonight in support of the rule for CAFTA. For over 200 years America has been benefited from trade. It means American families can buy more, using less of their paycheck. Trade means more competition. Competition is the consumer's best friend, and it does not matter whether that competition comes from Houston or Honduras or El Paso or El Salvador.

Now, CAFTA is a very simple trade agreement regardless of what you hear tonight. It allows our consumers to buy a few more items from Central America, and it allows our producers to sell a whole lot more to those same countries. It creates jobs. It will help ease our trade deficit. It is more than fair trade for us.

Now, you hear some people opposing CAFTA, claiming that somehow this is actually going to hurt jobs. Yet 80 percent of Central America are already entering our country duty free. What will help us is our ability to export to those countries duty free.

Now, some are talking about labor and environmental standards; but, Mr. Speaker, by helping further impoverish Latin America, we are somehow going to help improve their labor standards? We are somehow going to help improve their environmental standards? I think not.

There is no rational economic reason, Mr. Speaker, to oppose CAFTA. Increasingly this debate against CAFTA is boiling down to raw protectionism and bitter partisanship. It is amazing how many people love competition and the products they buy, but they seem to hate competition in the products they sell. That just cheats American consumers.

And then there are those who just reflexively oppose anything that President Bush favors, anything, regardless of its merits. Mr. Speaker, we ought to all read the headlines. Everybody knows about the threats and arm-twisting taking place on the Democrat side of the aisle. It is time to put aside protectionism, put aside the bitter partisanship. It is time to vote for personal economic freedom. Vote for more American exports, and vote for the rule for the Central American Free Trade Agreement.

Mr. MCGOVERN. Mr. Speaker, I would just like to point out that the little black book that the chairman of the Committee on Rules read from also said that the Rules of the House allows for up to 20 hours of debate on trade agreements.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN), who believes that a full and thorough debate is a good thing.

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

Mr. CARDIN. Mr. Speaker, let me thank my friend for yielding me time.

Mr. Speaker, I, along with many Democrats, have supported every trade agreement that has been presented. We do that because we believe trade has the potential to generate economic growth and raise the standard of living. The trick though is to make sure that we realize that potential.

During the last several decades we have really changed our focus in opening up markets for American manufacturers and producers. We have initially worked on removing tariff barriers. Now we are concerned about nontariff barriers. It does not mean we have done all we need to on tariff barriers, but the priority in our country has been to open up markets by removing nontariff barriers. That is why we spend a lot of time on intellectual property protection, on opening up opportunity for services, and, yes, Mr. Speaker, working on basic international labor standards.

I believe everybody in this body would agree with me that we do not

want products coming into this country that violate child labor standards. Well, the same is true with other basic internationally recognized labor rights. We have made progress. The Caribbean Basin Initiative, the CBTPA, AGOA and GSP all have improved labor standards around the globe because we have raised the issue and raised the bar.

□ 1915

In the Central American countries today, we have the Caribbean Basin Initiative. It has worked. It gives trade preferences to the Central American countries provided that they recognize international labor standards. The failure to do so allows us to impose trade sanctions. The threat has made progress in raising international labor standards and workers' rights in the Central American countries.

Mr. Speaker, I do not expect the administration to perform miracles when they negotiate free trade agreements, but I do expect them to represent the priorities of our Nation. In the CAFTA agreement, they repeal the rights we currently have under CBI, under the Caribbean Basin Initiative. Therefore, CAFTA is left with a weaker standard than current law in regards to workers' rights.

All CAFTA provides is for a country to enforce their own laws, regardless of how they may be; and then the sanction for failure to enforce their own laws that we have under the dispute settlement resolution are weaker standards. We cannot impose trade sanctions. All we can do is impose a fine, and that fine goes back to their own country. We cannot even enforce these weak standards.

You have to draw a line somewhere, Mr. Speaker. We have the constitutional responsibility on trade. We have to make that judgment. This agreement fails in that regard.

I had hoped that we would be able to renegotiate so that we could have a strong bipartisan vote on CAFTA. After all, we did that with textiles, and we could have done that with workers' rights. But this administration chose not to do it. In a way, Mr. Speaker, it is more important for a CAFTA agreement than some of the other agreements that have passed, for Chile and Singapore, Morocco and Australia, because of the standard of living in the Central American countries. For people living in poverty, trade, if properly structured, holds out the promise of more meaningful economic opportunities and a better way of life. But trade without basic labor standards will not do that.

I think this agreement is not a good agreement for the Central American countries, and it is not a good agreement for the United States.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time remains on each side.

The SPEAKER pro tempore (Mr. BASS). The gentleman from California (Mr. DREIER) has 5½ minutes remaining, and the gentleman from Massachusetts (Mr. MCGOVERN) has 6 minutes remaining.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL), who believes that 2 hours of debate is an insult to American workers.

Mr. PASCRELL. Mr. Speaker, I rise in strong opposition to this rule. Think of the voiceless, the poor for once, and not play and pray at the alter of the multinational corporations.

I just talked to a group of folks that came back from Nicaragua, and that you have the nerve to stand before this House and talk about those six governments of purity is an insult to our intellect. Some of these politicians that run these countries are despised by the very people in their country. It is those leaders that made the deal, not the people of those countries. In every one of those countries, the majority of the people are against this deal.

Trade agreements are not just tariff levels and quotas; they are human beings. By passing this agreement, Congress is giving up more of its authority under article I, section VIII. We have done that under three Presidents in a row. Our CAFTA becomes a legally-bound treaty. It will supersede any legislation passed by this Congress.

And by the way, a slight detail: the CBO has told us that CAFTA will cost the American taxpayers $4.4 billion over the next 10 years. And since those in favor of CAFTA turn to this document, Mr. Speaker, this document shows that of the 14 agreements, the 14 agreements since Bush became the President of the United States, only three have been outrightly kept. He has as bad a record as President Clinton.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that the democratically elected parliaments in El Salvador, Honduras, and Guatemala all have had votes on this issue. It was 49 to 30 in the democratically elected parliament of El Salvador; 126 to 12 in the democratically elected parliament of Guatemala; and 100 of 128 legislators in Honduras were supportive of the Central American Free Trade Agreement.

Mr. Speaker, I yield 2 minutes to the gentleman from Midland, Texas (Mr. CONAWAY), my very good friend and a hard-working new Member of Congress.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman yielding me this time, and I rise tonight to support this rule and also the underlying document that we will vote on later on tonight.

We have heard it is important for national security issues, and it is. Strengthening these six democracies, fledgling though they may be, makes America a safer place to be.

We have heard that it is good for immigration control, and it is. Prosperity and jobs created in Central American countries will lessen the pressure of those folks trying to percolate up through Mexico and trying to get into America to get a job here.

We have heard it is good for trade, and it is. Our manufacturers and producers will no longer pay the tariffs and duties we are currently paying. Manufacturers like Kraft Macaroni & Cheese and breakfast cereals will now be able to be sold in these Central American countries with that trade.

It seems odd to me if I have a job, and a group comes to me and says we want to help you get a better job, we want you to earn more and we want the labor standards to be improved, but we want you to keep that job, well, that is the kind of idea I would like to have help with. But if I have another side that says I want to help you with labor standards and I want to help you have a better job, but in the meantime I want you to be unemployed, that does not make a lot of sense to me.

Mr. Speaker, I ask my colleagues to vote for this rule and the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip who recognizes that curtailing debate is an abuse of power.

Mr. HOYER. Mr. Speaker, I have been a strong advocate for free trade and open markets because I believe that the American businesses and workers can compete in a global market. The United States is the most powerful Nation in the world, and it is incumbent upon us to lead, to foster global trade, to engage our partners in a system based on rules and law and to work to raise the living standards of working men and women both at home and abroad.

However, the centrality of free trade in our interdependent world cannot relegate our commitment to working men and women to the peripheral. We must seek to provide a level playing field for American workers and improve living and working conditions for foreign workers by guaranteeing fair wages and basic workplace protections. I have consistently supported legislation and trade agreements that have furthered these goals.

I was hopeful the Bush administration would pursue these objectives in negotiating CAFTA and that we would ultimately be presented an agreement that advanced the cause of free trade, promoted the rule of law, and generated economic development in countries in great need, and extended to U.S. workers, farmers, and businesses the advantages of expanded access to new markets. Regrettably, the agreement before us does not meet these goals.

Specifically, CAFTA fails to ensure the implementation and enforcement of the five core internationally recognized labor rights. Compounding the problem is the failure to allow trade sanctions to enforce the deal's modest labor provisions. In other words, the enforcement structure is absent.

I am, therefore, regrettably unable to support the Central American Free Trade Agreement for its failure to guarantee basic workplace protections for Central Americans and a level playing field for American workers.

It is interesting, Mr. Speaker, that given the problems that we have with CAFTA, given the questions that have been raised, that the majority is unwilling to give sufficient debate to develop the arguments. This is a critically important issue. NAFTA was an important issue. It was 8 hours of debate. This is one-quarter of that.

We are unable to fully develop the deficiencies in this bill with the 1 hour of debate that the minority will be given. Perhaps that is the point. Perhaps that is the objective. Perhaps the meaning of this rule is to shut us up, shut us out, and shut us down. That is a shame, that my colleagues do not have the confidence in their proposition that they put on this floor to give it a full airing, a full debate in the light of day.

Why do these issues always come up in the late of night? I do not understand that. Oppose this rule. Oppose this bill. It is not good for America. It is not good for the countries that have signed it.

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

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

Mr. Speaker, fast track up-or-down voting procedures place a premium on consultation and accommodation during the conception and negotiation of trade agreements. But the DR–CAFTA negotiations turned its back on this process. Everyone who raised concerns about labor rights, environmental standards, or the vulnerability of key agricultural and manufacturing sectors was shut out. That is why this agreement has been so universally criticized throughout Central America and the United States.

Mr. Speaker, I am very familiar with Central America. I have deep attachments to the people, and I appreciate how far these countries have come since the wars there ended. I want their democracies to thrive. I want their lives and livelihoods to improve. And I think a good trade agreement could make a valuable contribution to these efforts. But this CAFTA is not that agreement, and this rule deprives Members of their democratic rights to speak on the floor of the House on this controversial issue.

It is shameful how the Republican leadership of this House continues to use the Committee on Rules as a weapon to undermine the deliberative process. It is disrespectful to American workers that the Republican leadership is shortchanging this debate. It is a disgrace. But, sadly, that has become the norm around here. I urge all my colleagues to vote down this rule and vote down this CAFTA bill.

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

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Morris, Illinois (Mr. WELLER), a hard-working member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule as well as in support of the Dominican Republic-Central American Free Trade Agreement.

Let me ask a very simple question. Next door to you is a neighbor, and you are charged by your neighbor to enter his back yard. But then when he comes over to visit your back yard, he can come in free. That is really what this trade agreement is all about.

Right now, 80 percent of all manufactured goods made in the Dominican Republic-Central America come in duty free into Illinois, into my State in the United States, and 99 percent of all farm products from the DR and Central America come into Illinois and the United States duty free.

Now, is there reciprocity under the current status quo? No. Illinois corn faces a 20 percent tariff, Illinois soybeans a 30 percent tariff, Illinois pork a 40 percent tariff. Under DR–CAFTA, those tariffs are either eliminated immediately or phased out very quickly.

We make yellow bulldozers. Caterpillar is the biggest manufacturer in the State of Illinois and the biggest employer in my district. Those yellow bulldozers made in Joliet face a 14 to 20 percent tariff under the status quo. Under DR–CAFTA it is eliminated immediately.

Vote ''yes'' for DR–CAFTA. It is good for Illinois workers and good for Illinois farmers.

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

Mr. Speaker, back on November 6 of 1979, Ronald Reagan announced his candidacy for President of the United States; and in that announcement, he envisaged a free trade accord of all the Americas, where we could have the free flow of goods and services and capital and ideas.

□ 1930

This is a very important part of that vision which has not only been supported by Republicans, but President Clinton was a strong supporter of that notion, the free trade area of the Americas; back in 1993, by a 392–18 vote, passed the Caribbean Basin Initiative. Why, so rather than sending aid, we would open up the U.S. market to these struggling countries in the Caribbean.

We now have an opportunity to respond to the fact that we have provided unlimited access to our consumer market by these countries.

Mr. Speaker, it is true, the gentleman from Florida (Mr. SHAW) and I have been here for a quarter century, the gentleman from Indiana (Mr. BURTON) a little less than that. I have never witnessed greater politicization or a greater mischaracterization of a piece of legislation than I have this. For the last decade we have had 2 hours of debate on trade agreements that we have dealt with. Yes, the statute says up to 20 hours. The last time that happened was November 14, 1980. And once they started it, they pared it back.

We have been debating this issue for literally months. Special Orders and 1-minute speeches have taken place. It is time for us to vote. I believe we are going to have a great opportunity, a great opportunity, to enhance the standard of living for people in the United States and in this region. It is going to create an opportunity for us to better compete globally, and as we enhance the standard of living in Latin America, it will clearly help us with this very important problem that we have of border security and illegal immigration.

We have a win-win all of the way around. We have seen great benefits from trade. The much-maligned North American Free Trade Agreement has created a scenario whereby we have a third of a trillion dollars in trade between Mexico and the United States. Mexico's population now has a middle class that is larger than the entire Canadian population. Yes, there is poverty; yes, it needs to improve, but clearly the cause of freedom is an important one. The cause of stability in our region is a very, very important one.

I urge support of this rule. I urge support of the Dominican Republic-Central American Free Trade Agreement.

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

The previous question was ordered.

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

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

Mr. MCGOVERN. 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3304

Mr. GERLACH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3304.

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

There was no objection.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART V

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Science, and the Committee on Resources be discharged from further consideration of the bill (H.R. 3453) to provide an extension of highway, highway safety, motor

carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3453

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 ''Surface Transportation Extension Act of 2005, Part V''

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''and the Surface Transportation Extension Act of 2005, Part IV'' and inserting ''the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$2,301,370,400'' and inserting ''$2,324,000,000''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ''July 27'' and inserting ''July 30''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$27,968,968,718 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$28,243,990,320 for the period of October 1, 2004, through July 30, 2005''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)—

(A) by striking ''July 27'' and inserting ''July 30'';

(B) by striking ''and the Surface Transportation Extension Act of 2005, Part IV'' and inserting ''the Surface Transportation Extension Act of 2005, Part IV, and the Surface Transportation Extension Act of 2005, Part V''; and

(C) by striking ''82.2 percent'' and inserting ''83 percent''; and

(2) in paragraph (2)—

(A) by striking ''July 27, 2005, shall not exceed $28,520,554,600'' and inserting ''July 30, 2005, shall not exceed $28,801,000,000''; and

(B) by striking ''$525,205,602'' and inserting ''$530,370,000''; and

(3) in paragraph (3) by striking ''July 27'' and inserting ''July 30''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$289,334,862'' and inserting ''$292,179,920''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in the first sentence by striking ''$226,027,450 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$228,250,000 for the period of October 1, 2004, through July 30, 2005''; and

(ii) in the second sentence by striking ''$10,684,934'' and inserting ''$10,790,000''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$202,191,828 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$204,180,000 for the period of October 1, 2004, through July 30, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$135,616,470 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$136,950,000 for the period of October 1, 2004, through July 30, 2005''.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$16,438,360 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$16,600,000 for the period of October 1, 2004, through July 30, 2005''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$115,068,520 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$116,200,000 for the period of October 1, 2004, through July 30, 2005''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$31,232,884 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$31,540,000 for the period of October 1, 2004, through July 30, 2005''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(i) in clause (i) by striking ''$8,219,180'' and inserting ''$8,300,000'';

(ii) in clause (ii) by striking ''$4,109,590'' and inserting ''$4,150,000''; and

(iii) in clause (iii) by striking ''$4,109,590'' and inserting ''$4,150,000''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$21,780,827 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$21,995,000 for the period of October 1, 2004, through July 30, 2005''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$9,041,098 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$9,130,000 for the period of October 1, 2004, through July 30, 2005''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$4,109,590 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$4,150,000 for the period of October 1, 2004, through July 30, 2005''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$90,410,980 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$91,300,000 for the period of October 1, 2004, through July 30, 2005''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$410,959 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$415,000 for the period of October 1, 2004, through July 30, 2005''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$20,547,950 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$20,750,000 for the period of October 1, 2004, through July 30, 2005''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

''(G) $107,900,000 for the period of October 1, 2004, through July 30, 2005.'';

(B) in subsection (a)(2) by striking ''$1,643,836 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$1,660,000 for the period of October 1, 2004, through July 30, 2005''; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking ''$2,136,986,800'' and inserting ''$2,158,000,000''.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking ''$1,232,877'' and inserting ''$1,245,000''; and

(B) by striking ''July 27'' and inserting ''July 30''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$84,657,554 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$85,490,000 for the period of October 1, 2004, through July 30, 2005''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$41,095,900 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$41,500,000 for the period of October 1, 2004, through July 30, 2005''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$16,438,360 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$16,600,000 for the period of October 1, 2004, through July 30, 2005''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$25,479,458 for the period of October 1, 2004, through July 27, 2005''

and inserting ''$25,730,000 for the period of October 1, 2004, through July 30, 2005''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$90,410,980 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$91,300,000 for the period of October 1, 2004, through July 30, 2005''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$100,273,996 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$101,260,000 for the period of October 1, 2004, through July 30, 2005''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$21,780,827 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$21,995,000 for the period of October 1, 2004, through July 30, 2005''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$178,767,165 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$180,525,000 for the period of October 1, 2004, through July 30, 2005''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$29,917,815 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$30,212,000 for the period of October 1, 2004, through July 30, 2005''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$15,452,058 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$15,604,000 for the period of October 1, 2004, through July 30, 2005''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$410,959 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$415,000 for the period of October 1, 2004, through July 30, 2005''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''$82,191,800'' and inserting ''$83,000,000''; and

(2) by striking ''July 27'' and inserting ''July 30''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''$82,191,800'' and inserting ''$83,000,000''; and

(2) by striking ''July 27'' and inserting ''July 30''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$616,439 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$622,500 for the period of October 1, 2004, through July 30, 2005''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''$4,315,069'' and inserting ''$4,357,500'';

(2) by striking ''$205,480'' and inserting ''$207,500''; and

(3) by striking ''July 27'' each place it appears and inserting ''July 30''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1) by striking ''$8,219,180 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$8,300,000 for the period of October 1, 2004, through July 30, 2005''; and

(2) in paragraph (2) by striking ''$8,219,180 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$8,300,000 for the period of October 1, 2004, through July 30, 2005''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2005, Part IV'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V''; and

(2) by striking ''and section 4(a) of the Surface Transportation Extension Act of 2005, Part IV'' and inserting ''section 4(a) of the Surface Transportation Extension Act of 2005, Part IV, and section 4(a) of the Surface Transportation Extension Act of 2005, Part V''.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''and section 4 of Surface Transportation Extension Act of 2005, Part IV'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V'';

(2) by striking ''and section 4 of the Surface Transportation Extension Act, Part IV'' the first place it appears and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V''; and

(3) by striking ''and section 4 of the Surface Transportation Extension Act, Part IV'' the second place it appears and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V''.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''and section 4 of the Surface Transportation Extension Act, Part IV'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part IV, and section 4 of the Surface Transportation Extension Act of 2005, Part V''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$92,054,794 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$92,975,342 for the period of October 1, 2004, through July 30, 2005''.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$90,410,958 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$91,315,068 for the period of October 1, 2004, through July 30, 2005''.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$135,616,438 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$136,972,603 for the period of October 1, 2004, through July 30, 2005''.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$59,178,082 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$59,769,863 for the period of October 1, 2004, through July 30, 2005''.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$16,438,356 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$16,602,704 for the period of October 1, 2004, through July 30, 2005''.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$32,876,712 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$33,205,479 for the period of October 1, 2004, through July 30, 2005''.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$2,958,904 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$2,988,493 for the period of October 1, 2004, through July 30, 2005''.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''$211,682,467 for the period of October 1, 2004, through July 27, 2005'' and inserting ''$213,799,290 for the period of October 1, 2004, through July 30, 2005''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

''(8) Not more than $140,293,151 for the period of October 1, 2004, through July 30, 2005.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

''(6) $16,602,740 for the period of October 1, 2004, through July 30, 2005.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) by striking ''July 27'' and inserting ''July 30''; and

(B) by striking ''$821,918'' and inserting ''$830,137''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''$821,918'' and inserting ''$830,137''; and

(2) by striking ''July 27'' and inserting ''July 30''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(B) by striking ''$8,547,000'' and inserting ''$8,550,000''; and

(C) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(3) in paragraph (3)(B)—

(A) by striking ''$2,465,754'' and inserting ''$2,470,000''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(4) in paragraph (3)(C)—

(A) by striking ''$41,095,900'' and inserting ''$41,506,850''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(2) in paragraph (2)(A)(vii)—

(A) by striking ''$2,795,000,000'' and inserting ''$2,796,817,658''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(3) in paragraph (2)(B)(vii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(4) in paragraph (2)(C) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(2) in the matter preceding paragraph (1) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(3) in paragraph (1) by striking ''$3,986,261'' and inserting ''$4,026,123'';

(4) in paragraph (2) by striking ''$41,095,900'' and inserting ''$41,506,850'';

(5) in paragraph (3) by striking ''$79,100,000'' and inserting ''$79,102,926'';

(6) in paragraph (4) by striking ''$210,000,000'' and inserting ''$212,000,000''; and

(7) in paragraph (5) by striking ''$5,712,330'' and inserting ''$5,769,452''.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$2,309,000,366'' and inserting ''$2,336,442,169''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$49,546,681'' and inserting ''$50,146,668''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$39,554,804'' and inserting ''$39,950,343''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(3) in subparagraph (B)(vii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(4) in subparagraph (C) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(2) in the matter preceding paragraph (1) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(3) in paragraph (1) by striking ''$4,315,070'' and inserting ''$4,358,219'';

(4) in paragraph (2) by striking ''$6,780,824'' and inserting ''$6,848,630''; and

(5) in paragraph (3)—

(A) by striking ''$3,287,672'' and inserting ''$3,320,548''; and

(B) by striking ''$821,918'' and inserting ''$830,137''.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'';

(2) in subparagraph (A)—

(A) by striking ''$4,131,508'' and inserting ''$4,180,822''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(3) in subparagraph (B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(B) in paragraph (1)(A) by striking ''$1,643,836'' and inserting ''$1,660,274'';

(C) in paragraph (1)(B) by striking ''$1,643,836'' and inserting ''$1,660,274''; and

(D) in paragraph (2) by striking ''July 27, 2005'' and inserting ''July 30, 2005'' .

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$53,709,604'' and inserting ''$54,350,686''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking ''$82,739,750'' and inserting ''$83,767,125''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005'';

(2) in paragraph (1)(B)(vii) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(3) in paragraph (2) by striking ''July 27, 2005, not more than $8,219,180'' and inserting ''July 30, 2005, not more than $8,301,370''.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking paragraph (1)(G) and inserting the following:

''(G) $5,769,452 for the period of October 1, 2004, through July 30, 2005.''; and

(2) in paragraph (2)—

(A) by striking ''$1,428,082'' and inserting ''$1,428,124''; and

(B) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 27, 2005'' and inserting ''JULY 30, 2005''; and

(2) in subparagraph (A) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''$6,335,343,944'' and inserting ''$6,398,695,996''; and

(2) by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''July 27, 2005'' and inserting ''July 30, 2005''; and

(2) by striking ''$3,986,000'' and inserting ''$4,026,164''.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended—

(1) by striking ''July 27, 2005'' and inserting ''July 30, 2005,''; and

(2) by striking ''$4,100,000'' and inserting ''$4,150,685''.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) are amended by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking ''July 27, 2005'' and inserting ''July 30, 2005''.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7)

of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

''(7) $8,301,370 for the period of October 1, 2004, through July 30, 2005;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

''(4) FIRST 303 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $68,071,233, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $8,301,370 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $6,641,096 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$4,100,000'' and inserting ''$4,150,685''; and

(2) by striking ''$1,643,836'' and inserting ''$1,660,274''.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''July 28, 2005'' and inserting ''July 31, 2005'',

(B) by striking ''or'' at the end of subparagraph (N),

(C) by striking the period at the end of subparagraph (O) and inserting '', or'',

(D) by inserting after subparagraph (O) the following new subparagraph:

''(P) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part V.'', and

(E) in the matter after subparagraph (P), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part IV'' and inserting ''Surface Transportation Extension Act of 2005, Part V''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''July 28, 2005'' and inserting ''July 31, 2005'',

(B) in subparagraph (L), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (M), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (M) the following new subparagraph:

''(N) the Surface Transportation Extension Act of 2005, Part V,'', and

(E) in the matter after subparagraph (N), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part IV'' and inserting ''Surface Transportation Extension Act of 2005, Part V''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''July 28, 2005'' and inserting ''July 31, 2005''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2005, Part IV'' each place it appears and inserting ''Surface Transportation Extension Act of 2005, Part V''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''July 28, 2005'' and inserting ''July 31, 2005'', and

(B) by striking ''Surface Transportation Extension Act of 2005, Part IV'' and inserting ''Surface Transportation Extension Act of 2005, Part V''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''July 28, 2005'' and inserting ''July 31, 2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 385, by the yeas and nays;

Adoption of H. Res. 385, if ordered;

Adoption of H. Res. 386, 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.

PROVIDING FOR CONSIDERATION OF H.R. 5, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on H. Res. 385 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adopting the resolution and on adopting H. Res. 386.

The vote was taken by electronic device, and there were—yeas 226, nays 200, answered ''present'' 1, not voting 6, as follows:

[Roll No. 440]

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
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, 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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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)
Sessions
Shadegg
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)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
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
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.
Jones (OH)
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
Obey
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
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
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Sensenbrenner

NOT VOTING—6

Brady (PA)
Carson
Davis, Jo Ann
Leach
Murphy
Sánchez, Linda T.

□ 1956

Messrs. ORTIZ, CARDOZA, CASE, DAVIS of Alabama, and DAVIS of Tennessee changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. 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 226, noes 200, answered ''present'' 1, not voting 6, as follows:

[Roll No. 441]

AYES—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
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, 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
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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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)
Sessions
Shadegg
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—200

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
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
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
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
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
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
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Sensenbrenner

NOT VOTING—6

Abercrombie
Brady (PA)
Carson
Davis, Jo Ann
Leach
Murphy

□ 2006

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3045, DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of agreeing to the resolution, House Resolution 386, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 201, not voting 5, as follows:

[Roll No. 442]

YEAS—227

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, 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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
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
Shadegg
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)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
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
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.
Jones (OH)
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
Obey
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
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
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Brady (PA)
Carson
Davis, Jo Ann
Leach
Murphy

□ 2015

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.

PERSONAL EXPLANATION

Mr. MURPHY. Mr. Speaker, due to illness, I was not present in the chamber on Wednesday, July 27, 2005, and was regrettably unable to cast my vote on rollcall No. 432, rollcall No. 433, rollcall No. 434, rollcall No. 435, rollcall No. 436, rollcall No. 437, rollcall No. 438, rollcall No. 439, rollcall No. 440, rollcall No. 441, and rollcall No. 442.

Had I been present, I would have voted "yea" on rollcall No. 432, "yea" on rollcall No. 433, "yea" on rollcall No. 434, "yea" on rollcall No. 435, "no" on rollcall No. 436, "yea" on rollcall No. 437, "yea" on rollcall No. 438, "yea" on rollcall No. 439, "yea" on rollcall No. 440, "yea" on rollcall No. 441, and "yea" on rollcall No. 442.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3453. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 243. An act to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

S. 285. An act to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 442. An act to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 386, I call up the bill (H.R. 3045) to implement the Dominican Republic-Central America-United States Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3045 is as follows:

H.R. 3045

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

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dominican Republic-Central America-United States Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Retroactive application for certain liquidations and reliquidations of textile or apparel goods.

Sec. 206. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 207. Reliquidation of entries.
Sec. 208. Recordkeeping requirements.
Sec. 209. Enforcement relating to trade in textile or apparel goods.
Sec. 210. Regulations.
TITLE III—RELIEF FROM IMPORTS
Sec. 301. Definitions.
Subtitle A—Relief From Imports Benefiting From the Agreement
Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.
Subtitle B—Textile and Apparel Safeguard Measures
Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.
Subtitle C—Cases Under Title II of the Trade Act of 1974
Sec. 331. Findings and action on goods of CAFTA–DR countries.
TITLE IV—MISCELLANEOUS
Sec. 401. Eligible products.
Sec. 402. Modifications to the Caribbean Basin Economic Recovery Act.
Sec. 403. Periodic reports and meetings on labor obligations and labor capacity-building provisions.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua for their mutual benefit;

(3) to establish free trade between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the Dominican Republic-Central America-United States Free Trade Agreement approved by the Congress under section 101(a)(1).

(2) CAFTA–DR COUNTRY.—Except as provided in section 203, the term ''CAFTA–DR country'' means—

(A) Costa Rica, for such time as the Agreement is in force between the United States and Costa Rica;

(B) the Dominican Republic, for such time as the Agreement is in force between the United States and the Dominican Republic;

(C) El Salvador, for such time as the Agreement is in force between the United States and El Salvador;

(D) Guatemala, for such time as the Agreement is in force between the United States and Guatemala;

(E) Honduras, for such time as the Agreement is in force between the United States and Honduras; and

(F) Nicaragua, for such time as the Agreement is in force between the United States and Nicaragua.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(4) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(5) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3.29 of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the Dominican Republic-Central America-United States Free Trade Agreement entered into on August 5, 2004, with the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, and submitted to the Congress on June 23, 2005; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on June 23, 2005.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that countries listed in subsection (a)(1) have taken measures necessary to comply with the provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to provide for the Agreement to enter into force with respect to those countries that provide for the Agreement to enter into force for them.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements

set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2005 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF CAFTA–DR STATUS.—During any period in which a country ceases to be a CAFTA–DR country, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect with respect to that country.

(d) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force with respect to the United States, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3, 3.27, and 3.28 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of each CAFTA–DR country as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date the Agreement enters into force with respect to that country.

(3) EFFECT ON CBERA STATUS.—

(A) IN GENERAL.—Notwithstanding section 212(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)), the President shall terminate the designation of each CAFTA–DR country as a beneficiary country for purposes of that Act on the date the Agreement enters into force with respect to that country.

(B) EXCEPTION.—Notwithstanding subparagraph (A), each such country shall be considered a beneficiary country under section 212(a) of the Caribbean Basin Economic Recovery Act, for purposes of—

(i) sections 771(7)(G)(ii)(III) and 771(7)(H) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(G)(ii)(III) and 1677(7)(H));

(ii) the duty-free treatment provided under paragraph 12 of Appendix I of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement; and

(iii) section 274(h)(6)(B) of the Internal Revenue Code of 1986.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with a CAFTA–DR country regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) GENERAL PROVISIONS.—

(1) APPLICABILITY OF SUBSECTION.—This subsection applies to additional duties assessed under subsection (b).

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—For purposes of subsection (b), the term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(3) SCHEDULE RATE OF DUTY.—For purposes of subsection (b), the term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set out in the Schedule of the United States to Annex 3.3 of the Agreement.

(4) SAFEGUARD GOOD.—In this section, the term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 3.15 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(5) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(6) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 3.3 of the Agreement.

(7) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under subsection (b), the Secretary shall notify the country whose good is subject to the additional duty in writing of such action and shall provide to that country data supporting the assessment of the additional duty.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to subsection (a), the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good of a CAFTA–DR country imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good of such country that is imported into the United States in that calendar year exceeds 130 percent of the volume that is set out for that safeguard good in the corresponding year in the table for that country contained in Appendix I of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in the case of a good classified under subheading 1202.10.80, 1202.20.80, 2008.11.15, 2008.11.35, or 2008.11.60 of the HTS—

(i) in years 1 through 5, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(ii) in years 6 through 10, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(iii) in years 11 through 14, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(B) in the case of any other safeguard good—

(i) in years 1 through 14, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(ii) in years 15 through 17, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(iii) in years 18 and 19, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in

the territory of the country in which the good is produced (whether the United States or another CAFTA–DR country).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of one or more of the CAFTA–DR countries;

(2) the good—

(A) is produced entirely in the territory of one or more of the CAFTA–DR countries, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of one or more of the CAFTA–DR countries, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$\text{RVC} = \frac{\text{AV–VNM}}{\text{AV}} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$\text{RVC} = \frac{\text{VOM}}{\text{AV}} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement may be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$\text{RVC} = \frac{\text{NC–VNM}}{\text{NC}} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or in any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any 1 of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of one or more of the CAFTA–DR countries.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of vehicles, and is produced in the same plant in the territory of a CAFTA–DR country, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of a CAFTA–DR country, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of a CAFTA–DR country as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive goods provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) its own fiscal year,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for automotive goods that are exported to the territory of one or more of the CAFTA–DR countries.

(E) CALCULATING NET COST.—The importer, exporter, or producer shall, consistent with the provisions regarding allocation of costs set out in generally accepted accounting principles, determine the net cost of an automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of all such costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or more of the CAFTA–DR countries to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more of the CAFTA–DR countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory

of one or more of the CAFTA–DR countries to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more of the CAFTA–DR countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of one or more of the CAFTA–DR countries.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of one or more of the CAFTA–DR countries that are used in the production of a good in the territory of another CAFTA–DR country shall be considered to originate in the territory of that other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of one or more of the CAFTA–DR countries by 1 or more producers is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that—

(i) are used in the production of the good, and

(ii) do not undergo the applicable change in tariff classification (set out in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in heading 1006 that is used in the production of a good provided for in heading 1102 or 1103 or subheading 1904.90.

(F) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in chapter 15.

(G) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(H) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(I) Except as provided in subparagraphs (A) through (H) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set out in Annex 4.1 of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV))(as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of a CAFTA–DR country.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the CAFTA–DR country in which the production is performed; or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of that person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether they appear specified or separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territories of the CAFTA–DR countries, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of a CAFTA–DR country; or

(2) does not remain under the control of customs authorities in the territory of a country other than a CAFTA–DR country.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CAFTA–DR COUNTRY.—The term ''CAFTA–DR country'' means—

(A) the United States; and

(B) Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, or Nicaragua, for such time as the Agreement is in force between the United States and that country.

(3) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(4) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles'' means the recognized consensus or substantial authoritative support in the territory of a CAFTA–DR country with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(6) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF ONE OR MORE OF THE CAFTA–DR COUNTRIES.—The term ''goods wholly obtained or produced entirely in the territory of one or more of the CAFTA–DR countries'' means—

(A) plants and plant products harvested or gathered in the territory of one or more of the CAFTA–DR countries;

(B) live animals born and raised in the territory of one or more of the CAFTA–DR countries;

(C) goods obtained in the territory of one or more of the CAFTA–DR countries from live animals;

(D) goods obtained from hunting, trapping, fishing or aquaculture conducted in the territory of one or more of the CAFTA–DR countries;

(E) minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken in the territory of one or more of the CAFTA–DR countries;

(F) fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of one or more of the CAFTA–DR countries by vessels registered or recorded with a CAFTA–DR country and flying the flag of that country;

(G) goods produced on board factory ships from the goods referred to in subparagraph (F), if such factory ships are registered or recorded with that CAFTA–DR country and fly the flag of that country;

(H) goods taken by a CAFTA–DR country or a person of a CAFTA–DR country from the seabed or subsoil outside territorial waters, if a CAFTA–DR country has rights to exploit such seabed or subsoil;

(I) goods taken from outer space, if the goods are obtained by a CAFTA–DR country or a person of a CAFTA–DR country and not processed in the territory of a country other than a CAFTA–DR country;

(J) waste and scrap derived from—

(i) manufacturing or processing operations in the territory of one or more of the CAFTA–DR countries; or

(ii) used goods collected in the territory of one or more of the CAFTA–DR countries, if such goods are fit only for the recovery of raw materials;

(K) recovered goods derived in the territory of one or more of the CAFTA–DR countries from used goods, and used in the territory of a CAFTA–DR country in the production of remanufactured goods; and

(L) goods produced in the territory of one or more of the CAFTA–DR countries exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i),

at any stage of production.

(7) IDENTICAL GOODS.—The term ''identical goods'' means identical goods as defined in the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act;

(8) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(9) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(10) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(11) MODEL LINE.—The term ''model line'' means a group of motor vehicles having the same platform or model name.

(12) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(13) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the CAFTA–DR country in which the producer is located.

(14) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms ''nonoriginating good'' and ''nonoriginating material'' mean a good or material, as the case may be, that does not qualify as originating under this section.

(15) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means the goods used to protect a good during its transportation and does not include the packaging materials and containers in which a good is packaged for retail sale.

(16) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 3.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(17) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of a CAFTA–DR country.

(18) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(19) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(20) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(21) REMANUFACTURED GOOD.—The term ''remanufactured good'' means a good that is classified under chapter 84, 85, or 87, or heading 9026, 9031, or 9032, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a new good.

(22) TOTAL COST.—The term ''total cost'' means all product costs, period costs, and other costs for a good incurred in the territory of one or more of the CAFTA–DR countries.

(23) USED.—The term ''used'' means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4.1 of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, as provided in article 3.25.4(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104,

the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63, as included in Annex 4.1 of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63, as included in Annex 4.1 of the Agreement.

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE CAFTA–DR COUNTRIES.—

(A) IN GENERAL.—Notwithstanding paragraph 3(A), the list of fabrics, yarns, and fibers set out in Annex 3.25 of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term ''interested entity'' means the government of a CAFTA–DR country other than the United States, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA–DR countries and to add that fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in the CAFTA–DR countries; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that a fabric, yarn, or fiber that is the subject of a request submitted under clause (i) is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President determines under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA–DR countries; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which the request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA–DR countries.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3.25 of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D); or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in the CAFTA–DR countries.

(iv) A proclamation declared under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (14), the following:

''(15) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS OF TEXTILE OR APPAREL GOODS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to subsection (c), an entry—

(1) of a textile or apparel good—

(A) of a CAFTA–DR country that the United States Trade Representative has designated as an eligible country under subsection (b), and

(B) that would have qualified as an originating good under section 203 if the good had been entered after the date of entry into force of the Agreement for that country,

(2) that was made on or after January 1, 2004, and before the date of the entry into force of the Agreement with respect to that country, and

(3) for which customs duties in excess of the applicable rate of duty for that good set out in the Schedule of the United States to Annex 3.3 of the Agreement were paid,

shall be liquidated or reliquidated at the applicable rate of duty for that good set out in the Schedule of the United States to Annex 3.3 of the Agreement, and the Secretary of the Treasury shall refund any excess customs duties paid with respect to such entry.

(b) ELIGIBLE COUNTRY.—The United States Trade Representative shall determine, in accordance with article 3.20 of the Agreement, which CAFTA–DR countries are eligible countries for purposes of this section, and shall publish a list of all such countries in the Federal Register.

(c) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry of a textile or apparel good only if a request therefor is filed with the Bureau of Customs and Border Protection, within such period as the Bureau of Customs and Border Protection shall establish by regulation in consultation with the Secretary of the Treasury, that contains sufficient information to enable the Bureau of Customs and Border Protection—

(1)(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located; and

(2) to determine that the good satisfies the conditions set out in subsection (a).

(d) DEFINITION.—As used in this section, the term ''entry'' includes a withdrawal from warehouse for consumption.

SEC. 206. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (9) as paragraph (10); and

(B) by inserting after paragraph (8) the following new paragraph:

''(9) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing.''; and

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

''(h) FALSE CERTIFICATIONS OF ORIGIN UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CAFTA–DR certification of origin (as defined in section 508(g)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin set out in section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CAFTA–DR certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person may not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a CAFTA–DR certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(h) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—If the Bureau of Customs and Border Protection or the Bureau of Immigration and Customs Enforcement finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin set out in section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, the Bureau of Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the Dominican Republic-Central America-United States Free Trade Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until the Bureau of Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 207. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1), by striking ''or section 202 of the United States-Chile Free Trade Agreement Implementation Act'' and inserting '', section 202 of the United States-Chile Free Trade Agreement Implementation Act, or section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act''; and

(2) in paragraph (2), by inserting ''or certifications'' after ''other certificates''.

SEC. 208. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (g) as subsection (h);

(2) by inserting after subsection (f) the following new subsection:

''(g) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) CAFTA–DR CERTIFICATION OF ORIGIN.—The term 'CAFTA–DR certification of origin' means the certification established under article 4.16 of the Dominican Republic-Central America-United States Free Trade Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO CAFTA–DR COUNTRIES.—Any person who completes and issues a CAFTA–DR certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—Records and supporting documents shall be kept by the person who issued a CAFTA–DR certification of origin for at least 5 years after the date on which the certification was issued.''; and

(3) in subsection (h), as so redesignated—

(A) by inserting ''or (g)'' after ''(f)''; and

(B) by striking ''that subsection'' and inserting ''either such subsection''.

SEC. 209. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the government of a CAFTA–DR country to conduct a verification pursuant to article 3.24 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in that country is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of a CAFTA–DR country,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—The Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in intentional circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 210. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) CAFTA–DR ARTICLE.—The term ''CAFTA–DR article'' means an article that qualifies as an originating good under section 203(b).

(2) CAFTA–DR TEXTILE OR APPAREL ARTICLE.—The term ''CAFTA–DR textile or apparel article'' means a textile or apparel good (as defined in section 3(5)) that is a CAFTA–DR article.

(3) DE MINIMIS SUPPLYING COUNTRY.—

(A) Subject to subparagraph (B), the term ''de minimis supplying country'' means a CAFTA–DR country whose share of imports of the relevant CAFTA–DR article into the United States does not exceed 3 percent of the aggregate volume of imports of the relevant CAFTA–DR article in the most recent 12-month period for which data are available that precedes the filing of the petition under section 311(a).

(B) A CAFTA–DR country shall not be considered to be a de minimis supplying country if the aggregate share of imports of the relevant CAFTA–DR article into the United States of all CAFTA–DR countries that satisfy the conditions of subparagraph (A) exceeds 9 percent of the aggregate volume of imports of the relevant CAFTA–DR article during the applicable 12-month period.

(4) RELEVANT CAFTA–DR ARTICLE.—The term ''relevant CAFTA–DR article'' means the CAFTA–DR article with respect to which a petition has been filed under section 311(a).

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a CAFTA–DR article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the CAFTA–DR article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any CAFTA–DR article if, after the date that the Agreement enters into force, import relief has been provided with respect to that CAFTA–DR article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section. At that time, the Commission shall also determine whether any CAFTA–DR country is a de minimis supplying country.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.3 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President is authorized to provide under this section may not, in the aggregate, be in effect for more than 4 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 4 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 3.3 of the Agreement would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set out in the Schedule of the United States to Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the Schedule of the United States to Annex 3.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) imports of a CAFTA–DR article of a CAFTA–DR country that is a de minimis supplying country with respect to that article.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set out in the Schedule of the United States to Annex 3.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a CAFTA–DR textile or apparel article of a specified CAFTA–DR country is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(3) DEADLINE FOR DETERMINATION.—The President shall make the determination under paragraph (1) no later than 30 days after the completion of any consultations held pursuant to article 3.23.4 of the Agreement.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of that Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with a review under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, it shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS OF CAFTA–DR COUNTRIES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of each CAFTA–DR country that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF CAFTA–DR COUNTRIES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President may exclude from the action goods of a CAFTA–DR country with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iv) a party to the Dominican Republic-Central America-United States Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.''.

SEC. 402. MODIFICATIONS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

(a) FORMER BENEFICIARY COUNTRIES.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is

amended by adding at the end the following new subparagraph:

''(F) The term 'former beneficiary country' means a country that ceases to be designated as a beneficiary country under this title because the country has become a party to a free trade agreement with the United States.''.

(b) COUNTRIES ELIGIBLE FOR DESIGNATION AS BENEFICIARY COUNTRIES.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by striking from the list of countries eligible for designation as beneficiary countries—

(1) ''Costa Rica'', effective on the date the President terminates the designation of Costa Rica as a beneficiary country pursuant to section 201(a)(3);

(2) ''Dominican Republic'', effective on the date the President terminates the designation of the Dominican Republic as a beneficiary country pursuant to section 201(a)(3);

(3) ''El Salvador'', effective on the date the President terminates the designation of El Salvador as a beneficiary country pursuant to section 201(a)(3);

(4) ''Guatemala'', effective on the date the President terminates the designation of Guatemala as a beneficiary country pursuant to section 201(a)(3);

(5) ''Honduras'', effective on the date the President terminates the designation of Honduras as a beneficiary country pursuant to section 201(a)(3); and

(6) ''Nicaragua'', effective on the date the President terminates the designation of Nicaragua as a beneficiary country pursuant to section 201(a)(3).

(c) MATERIALS OF, OR PROCESSING IN, FORMER BENEFICIARY COUNTRIES.—Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by striking ''the Commonwealth of Puerto Rico and the United States Virgin Islands'' and inserting ''the Commonwealth of Puerto Rico, the United States Virgin Islands, and any former beneficiary country''.

(d) DEFINITIONS AND SPECIAL RULES.—Section 213(b)(5) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)) is amended by adding at the end the following new subparagraphs:

''(G) FORMER CBTPA BENEFICIARY COUNTRY.—The term 'former CBTPA beneficiary country' means a country that ceases to be designated as a CBTPA beneficiary country under this title because the country has become a party to a free trade agreement with the United States.

''(H) ARTICLES THAT UNDERGO PRODUCTION IN A CBTPA BENEFICIARY COUNTRY AND A FORMER CBTPA BENEFICIARY COUNTRY.—(i) For purposes of determining the eligibility of an article for preferential treatment under paragraph (2) or (3), references in either such paragraph, and in subparagraph (C) of this paragraph to—

''(I) a 'CBTPA beneficiary country' shall be considered to include any former CPTPA beneficiary country, and

''(II) 'CBTPA beneficiary countries' shall be considered to include former CBTPA beneficiary countries,

if the article, or a good used in the production of the article, undergoes production in a CBTPA beneficiary country.

''(ii) An article that is eligible for preferential treatment under clause (i) shall not be ineligible for such treatment because the article is imported directly from a former CBTPA beneficiary country.

''(iii) Notwithstanding clauses (i) and (ii), an article that is a good of a former CBTPA beneficiary country for purposes of section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or section 334 of the Uruguay Round Agreements Act (19 U.S.C. 3592), as the case may be, shall not be eligible for preferential treatment under paragraph (2) or (3), unless—

''(I) it is an article that is a good of the Dominican Republic under either such section 304 or 334; and

''(II) the article, or a good used in the production of the article, undergoes production in Haiti.''.

SEC. 403. PERIODIC REPORTS AND MEETINGS ON LABOR OBLIGATIONS AND LABOR CAPACITY-BUILDING PROVISIONS.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of the 2-year period beginning on the date the Agreement enters into force, and not later than the end of each 2-year period thereafter during the succeeding 14-year period, the President shall report to the Congress on the progress made by the CAFTA–DR countries in—

(A) implementing Chapter Sixteen and Annex 16.5 of the Agreement; and

(B) implementing the White Paper.

(2) WHITE PAPER.—In this section, the term ''White Paper'' means the report of April 2005 of the Working Group of the Vice Ministers Responsible for Trade and Labor in the Countries of Central America and the Dominican Republic entitled ''The Labor Dimension in Central America and the Dominican Republic - Building on Progress: Strengthening Compliance and Enhancing Capacity''.

(3) CONTENTS OF REPORTS.—Each report under paragraph (1) shall include the following:

(A) A description of the progress made by the Labor Cooperation and Capacity Building Mechanism established by article 16.5 and Annex 16.5 of the Agreement, and the Labor Affairs Council established by article 16.4 of the Agreement, in achieving their stated goals, including a description of the capacity-building projects undertaken, funds received, and results achieved, in each CAFTA–DR country.

(B) Recommendations on how the United States can facilitate full implementation of the recommendations contained in the White Paper.

(C) A description of the work done by the CAFTA–DR countries with the International Labor Organization to implement the recommendations contained in the White Paper, and the efforts of the CAFTA–DR countries with international organizations, through the Labor Cooperation and Capacity Building Mechanism referred to in subparagraph (A), to advance common commitments regarding labor matters.

(D) A summary of public comments received on—

(i) capacity-building efforts by the United States envisaged by article 16.5 and Annex 16.5 of the Agreement;

(ii) efforts by the United States to facilitate full implementation of the White Paper recommendations; and

(iii) the efforts made by the CAFTA–DR countries to comply with article 16.5 and Annex 16.5 of the Agreement and to fully implement the White Paper recommendations, including the progress made by the CAFTA–DR countries in affording to workers internationally-recognized worker rights through improved capacity.

(4) SOLICITATION OF PUBLIC COMMENTS.—The President shall establish a mechanism to solicit public comments for purposes of paragraph (3)(D).

(b) PERIODIC MEETINGS OF SECRETARY OF LABOR WITH LABOR MINISTERS OF CAFTA–DR COUNTRIES.—

(1) PERIODIC MEETINGS.—The Secretary of Labor should take the necessary steps to meet periodically with the labor ministers of the CAFTA–DR countries to discuss—

(A) the operation of the labor provisions of the Agreement;

(B) progress on the commitments made by the CAFTA–DR countries to implement the recommendations contained in the White Paper;

(C) the work of the International Labor Organization in the CAFTA–DR countries, and other cooperative efforts, to afford to workers internationally-recognized worker rights; and

(D) such other matters as the Secretary of Labor and the labor ministers consider appropriate.

(2) INCLUSION IN BIENNIAL REPORTS.—The President shall include in each report under subsection (a), as the President deems appropriate, summaries of the meetings held pursuant to paragraph (1).

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 386, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, for those individuals within our eyesight and earshot, there may be some people wondering about the debate that was begun under the rule, and that if it, in fact, carries over into the general debate, you will be quite perplexed.

The statement was repeated several times that we are doing this in the dead of the night. My friends, it is 5:30 in California. People are just getting home from work. Would we not rather debate this during prime time when there are people home and who can watch it?

Words such as ''shameful,'' ''disrespectful,'' ''arrogant''; accusations about freely-elected people in countries south of our border; someone who is not familiar with the way this place operates would be quite amazed at what has been said. Let me assure you, those of you who are concerned need only turn to the United States Constitution, Article I, section 6. Therein is contained what is often called the Speech and Debate Clause. The Speech and Debate Clause in the Constitution says, ''And for any speech or debate in either House they, the Senators and Representatives, shall not be questioned in any other place.''

In other words, truth, veracity, facts do not apply here if you choose not to use them. If you choose to misrepresent, you are allowed to do that on the floor of the House. If you wish to confuse, if you wish to say black is white or white is black, you can.

But I do think that you ought to at least give minimum respect for people who laid their lives down to have an opportunity to share the blessings of democracy.

In the 1980s we were all concerned, and speeches were made on the floor of this House, about the impending loss of Central America to totalitarian governments, and, frankly, sometimes it was to the right, and sometimes it was to the left.

We have before us tonight a freely negotiated trade agreement between sovereign countries freely elected by the people of those countries in Central America and in the Dominican Republic and in the United States. Yet a Member feels comfortable coming to the floor, and the gentlewoman from California said that they are going to be able to enforce their own trade laws. Does that not worry you? Well, so do we. She said, they could change their trade laws to allow child labor. Well, so can we. Will we? Of course not. What makes you think they will? The argument that somehow these people down there do not love their children any more than we do is, in fact, the words that were used earlier, that argument is shameful, it is disrespectful, and it is arrogant.

The idea that these people do not care about their families; have you driven around the greater Washington area and run into all these people from Central America who are here because they were driven here because of the political conditions in the 1980s, and that, in fact, the best import they have are the jobs people have here? You do not think they want to go home to their families?

This was negotiated by freely elected people, not because they want to sell products and services in the United States; they already have that. They want this so that our goods, our services, our jobs will come to Central America. And as you make the arguments that you make so shamefully, so disrespectfully, and so arrogantly about the governments freely elected, supported by their people, just remember, they want a job, too. They love their children. They are respectful of you; be respectful of them.

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

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

Mr. Speaker, let me join with the handful of Republicans in complimenting the chairman of the Committee on Ways and Means. His attack against arrogance has moved my heart, and those of others in the House, as well as his conversations with the immigrants and the newcomers to find out what should be in the trade bill. It certainly would have worked out a heck of a lot better if he had talked with some of the Democrats in the House.

This is one day that we all should remember. A small bill designed to help small countries. I was successful in having the Dominican Republic included in it. People who indeed wanted to work, wanted to have the dignity of having a job, wanted to be able to buy some of those U.S. products, really wanted to be partners, but they also wanted to be a part of this. Arrogance? How can you have a bill you say that is helping these people to make certain that they stave off communism and that become, indeed, a democratic country and, at the same time, exclude them from participating?

Yes, they want a Central American Free Trade Agreement. Yes, the Dominicans want to have a Dominican Republic Free Trade Agreement, but they want to be a part of it, and they want their people protected.

The gentleman talked about people who fought and died for our Constitution. You do not have to remind us about that. Patriotism can bring a tear to our eyes, but why do we not talk about the people who fought and died for workers' rights? Hey, can you not get that on your agenda? Those who fought and died for human rights, should that not be a part of it?

But let us talk about the moral values. The Catholic bishops in the United States, the Catholic bishops in the Dominican Republic, the Catholic bishops throughout the island; the religious leaders, the labor leaders, the peasants, the farmers, those who work in the free trade zone, do they not count for something?

This could have been an easy thing. This is no big deal. It was not before the President came down here. This could have been something we could have worked out. There has to be some compassion and less arrogance on the other side. We could have talked these things out.

And what is wrong with language that protects kids? Just because people do not have a design to commit crime does not mean you do not have a criminal code. Just because people are not inclined to abuse workers does not mean you do not have a code.

All we are saying is this: Let us protect intellectual property rights, let us protect our exporters, let us protect the multinationals, let us protect the big farm corporations. But, while you do that, protect the little guy where, in many of the countries, they have not the slightest clue, and they tell us each and every day, we want trade, we want to improve our lives; all we want to do is to be a part of the agreement.

Now, I was told that we cannot get back to that. With regard to the side agreements, I thought it meant the issue had to be related to trade. But some of the offers that I have heard that relate to getting votes around here, side agreements mean something else. And that is why maybe it may still be light tonight in California, but for those who are wide awake tonight, they should know it is not prime time in Washington, D.C. As a matter of fact, it is the worst of times.

This administration has taken a bill that could have meant something, a bill we could have been proud of, and has made a political toy out of it. They have excluded Democrats; they have offended some Republicans.

So when we hear about this bill tonight, it will not be a trade bill, it will be a bill that would say, which side are you on? Are you on the side of transparency, open discussion, wanting to protect American farmers, wanting to protect American entrepreneurs, wanting to do business with people in these small countries that are impoverished, and do you want to help those who are the lesser among us, who, at the end of the day, have been excluded from consideration from this treaty?

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

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

Mr. Speaker, I know the gentleman's district is in New York, and television is very expensive there, but it may surprise the gentleman to know that 8:30 on the east coast is called prime time, and you have to pay for it. We are in prime time.

Just let me say that you must be very proud, as you just indicated, to advocate for your side to vote ''no'' on democracy, ''no'' to jobs in their own country, ''yes'' to continued poverty, and ''yes'' to a threat to fragile democracies, because that is what this vote is. And it really is a sad night for your once proud, aggressive party, which has a lot of words and no action for people in need.

Mr. Speaker, I yield the remainder of my time to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Trade of the Committee on Ways and Means, and I ask unanimous consent that he control the remainder of the time.

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

There was no objection.

□ 2030

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

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

Mr. Speaker, I would point out that probably I do not want to associate myself with either of the opening remarks. This is not political to me. Mr. Speaker, we can sit here all day and argue about what the thousands of pages of CAFTA really mean.

But the meaning of nearly every provision is debatable. That is the problem with this agreement. If it becomes law, the administration, the American courts, even the United States Constitution will have no effect on the final interpretation of this agreement. That will be left to the CAFTA tribunal, two Central American judges, always pitted against one judge from the United States.

Our Bill of Rights will not apply to these courts, neither will any sunshine laws, and there will never be a right of appeal. That is a direct insult to the sovereignty of the United States. CAFTA should not be approved on this point alone.

But let us go on and look at what is at stake in some of these debates, very briefly. CAFTA undermines the ability of the State medical and dental boards and health planning agencies to set public health standards for licensing of

professions and institutions. I am sure someone will disagree with me about that, and we will decide it in a tribunal.

CAFTA overturns all of our ''buy American'' laws that encourage local jobs and suppliers. CAFTA could legally force States and local governments to outsource jobs, not just to Central American countries, but to India and to Pakistan and to Malaysia, or to any country that wants to set up phone banks.

CAFTA gives foreign business greater legal rights in America than our own businesses. CAFTA could overturn our immigration laws, could overturn our immigration laws by allowing CAFTA tribunals to decide whether those laws fairly or unfairly restrict another country's ability to export cheap contract labor into America.

CAFTA countries today can ship chicken to my State of Georgia duty free, while charging up to 160 percent for the chicken my farmers try to ship in return. That is not fair trade.

Instead of fixing this now, we try to solve it by allowing CAFTA to drag out this fair trade policy for over 18 years, during which my chicken farmers will continue to face unfair trade competition. Eighteen years just to get even.

CAFTA takes away the few current protections available to the American textile workers. There are gaping loopholes in every so-called protection for the American workers and farmers. Mr. Speaker, I just used the words ''could'' and ''can'' a lot in my comments.

The other side will argue, well, it is not certain if CAFTA will do all of this; it will be left up to three judges.

I urge us to reconsider this and get a really good fair trade, not just fair, but free, trade agreement with Central America.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a very respected Democratic member of the Ways and Means Committee.

Mr. JEFFERSON. Mr. Speaker, as a Democrat with a firm commitment to eliminate poverty and to improve the lives of workers both here and abroad, I believe it is important to discuss the policy implications contained in the proposed U.S. FTA with the Dominican Republic and the countries of Central America.

In support of the CAFTA, I support the people of my port city. I have determined that the United States can best promote improvements both to working conditions and labor standards in those countries with the commitment and the supporting capacity-building provisions of this agreement.

I understand that our workers are concerned about our growing trade deficit. But CAFTA will have no negative impact here. Our trade deficit is driven by our own behavior as a Nation: massive consumption, low savings rates, and unwise borrow-and-spend economic policies of our own government, not CAFTA-like trade agreements.

In fact, an ITC study concludes CAFTA will reduce overall U.S. trade deficits by $756 million. And the CAFTA–NAFTA talk is a catchy play on words, but the comparison is really inappropriate.

Unlike the situation with Mexico prior to NAFTA, our market is already nearly completely open to Central American products. More than 80 percent of Central American products imported to the United States are already duty free. CAFTA will simply open their markets to our products leveling the playing field.

For years, Democrats and Republicans have promoted democracy in Central America and have spoken about the need to secure commitments from developing countries on core international labor standards, on labor enforcement, and have sought U.S. commitments to substantive and comprehensive labor-capacity building programs.

We have sought to ensure a role for international labor organizations in these efforts. With this unprecedented agreement, we have concluded and included all of these things. CAFTA promotes economic opportunity for the workers of the region who are facing massive competition from Asia and elsewhere in the most significant formal source of economic livelihood, textile and apparel production. With nearly half the population of these countries living in extreme poverty, with formal employment, the continued competitiveness the textile and apparel industry in our and other CAFTA industries can promote is very, very critical.

I have heard my colleagues suggest that the CAFTA textile and apparel rules remain too strict to really make a difference. But the countries and the companies who invest and purchase from the region believe differently.

Many of us had hoped for more flexibility. But those whose livelihoods depend on these issues believe that the new flexibilities CAFTA provides are critical to support an industry that provides some of the best-paying jobs in the region.

Are we to substitute our judgment for theirs?

CAFTA will also help these countries improve their investment climate through a more permanent relationship with the United States and many other provisions of CAFTA, including increased transparency, curbs on corruption and provisions that promote the rule of law, which could in fact be the single most important driver to improve the lives of our neighbors in Central America and the Dominican Republic.

And there are the agreement's labor provisions. Both the commitments made by each country in the labor chapter to enforce domestic laws and the capacity-building program built into the CAFTA, which each of the six governments recently relied on in undertaking an unprecedented commitment to improve labor standards and enforcement in each of their countries in very concrete ways.

But despite all of these provisions and commitments, it is argued that the CAFTA's labor provisions are a backwards step and that CAFTA should not be supported because of the CAFTA countries' histories of weak labor laws and suppressing worker rights.

The biggest labor issue of the CAFTA countries is in fact the inadequacy of their enforcement of existing laws. Indeed, this is where many of the 20-plus labor problems the critics allege actually fall. They are issues of enforcement, not issues with the substantive existing labor laws; and that is where the CAFTA can do the most good.

In taking a close look at the other recent trade agreements that passed with overwhelming bipartisan support, it is difficult to understand why the CAFTA countries are being held to a different standard and therefore a double standard.

The labor laws in the CAFTA countries are similar to those of Jordan and Morocco. For example, foreign nationals cannot lead or administer local labor unions in Morocco. This is the case for all of the CAFTA countries, but Nicaragua. The right to collective bargaining is not recognized in Morocco's constitution, but it is in most of the CAFTA countries. And, finally, Morocco allows minors to work longer per week than all of the CAFTA countries.

If we can vote overwhelmingly for Morocco and Jordan with these labor provisions on the basis that we should engage them economically because they have made progress on liberalizing their economies and on improving their human rights pictures, then why can we not support this FTA with our neighbors in the popularly elected democracies with even better laws on the same grounds?

What all of these countries, Jordan, Morocco and the Centrals, share are the same challenges in enforcement and lack of resources. In fact, the CAFTA provisions are stronger than those in NAFTA, which has labor protections in the signed agreements and did not provide dispute resolutions in the main agreement.

The last point I want to make, Mr. Speaker, is that at our door stand our neighbors from Central America literally pleading with us to approve this CAFTA agreement. We are substituting our judgment for theirs, people who are elected by their own people as we are elected by ours.

Mr. Speaker, I think instead of turning a deaf ear to them, we ought to heed them, we ought to hear them. These are our neighbors and our friends. And we ought to support them. I urge adoption of this agreement.

Mr. RANGEL. Mr. Speaker, the gentleman from Maryland (Mr. CARDIN) is the ranking member of the trade committee. He has worked hard on this, and he probably never has voted against any trade agreement in this

House. And I guess he is saying that this is an agreement worthy of his vote.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. CARDIN. Mr. Speaker, I am going to first answer my friend, the gentleman from Louisiana (Mr. JEFFERSON), and he is my friend. I deeply respect his views as to why we would oppose this agreement when we supported the other agreements that he mentioned.

The gentleman from New York (Mr. RANGEL) is correct. In the 18-plus years that I have been honored to served in this body, I have voted for all of the free trade agreements. This will be the first agreement that I will vote against.

This is the first agreement in which we actually move backwards on advancing international labor standards. Currently, with the Central American countries, we had the Caribbean Basin Initiative. The Caribbean Basin Initiative has worked. It has provided opportunity for the Central American countries. It has opened up markets for their products. They get preference. But in order to get that preference, they must move towards international labor standards. That is the requirement.

We use the threat of withholding trade benefits if they do not adopt international labor standards. That is what we currently have with Central American countries, and it is working. We have made progress. CAFTA repeals those obligations. As the gentleman from Louisiana (Mr. JEFFERSON) said, what is in place is enforcing your own rules without any adequate enforcement.

We have a constitutional responsibility, Mr. Speaker, to approve or reject this free trade agreement. Trade opens up opportunity, not only for the United States but for the countries that we do business with.

I represent the Port of Baltimore. I am very much in favor of free trade. I would have liked to have had a CAFTA agreement that I could support.

The standard of living in the CAFTA nations is not as high as previous agreements that we have approved for Chile, Singapore, Morocco, or Australia. So for people living in poverty, trade if properly structured holds out the promise of a more meaningful economic opportunity and a better way of life in providing markets for our products.

But in order for that to occur, we must move the ball forward on protecting labor rights, workers' rights. That is our responsibility. That should be our priority. This agreement moves backwards. We have a constitutional responsibility to make a judgment on this.

I do not know how we can support an agreement that moves us in the wrong direction. I do not expect miracles from our negotiators. But I certainly expect that they will adhere to priorities. I certainly expect that they will not give up something that the other countries have not asked us to give up.

You start to worry when you see those types of provisions in an agreement. Mr. Speaker, this could have been corrected. We made changes in the CAFTA agreement for textiles. We could have made changes for these labor provisions. We could have kept the Caribbean Basin Initiative protections; but, no, we did not do that. We could have done it. If we would have done it, we could have had strong bipartisan support for this legislation, as trade bills should be considered.

This CAFTA agreement is not good for the United States. It is not good for the Central American countries. I urge my colleagues to exercise their constitutional responsibility, as I am, and vote against this agreement.

Mr. SHAW. Mr. Speaker, I would remind the gentleman from Maryland (Mr. CARDIN) who has voted for previous trade agreements that this agreement has the strongest labor provision of any of the agreements that the gentleman has voted for, and that these countries, all of these countries adhere to international labor standards.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), a distinguished Democratic Member of the House of Representatives.

Mr. MORAN of Virginia. Mr. Speaker, I want to address my colleagues on this side of the aisle, the Democratic side of the aisle, because there are so many good people and true leaders among you, people who understand that we need to do more than we have done for Central America and Central Americans.

In a perfect political world, a Central American trade agreement should have passed on the Consent Calendar.

□ 2045

In a perfect world it would have, because there is virtually no Member of Congress who does not have undocumented immigrants who have risked their life and limb to come to the United States so as to provide some future for themselves and their families. Many of our grandparents could empathize, but surely we who were born here must at least sympathize.

We all know the conditions in Central America. You would have to be blind or without conscience not to recognize the suffering that Central Americans are enduring. Thirty percent of the population cannot afford the most basic foodstuffs. In most countries, more than half of the population are living in poverty. Certainly we feel some obligation, do we not, to do something about it?

I understand the politics, though, and I regret the politics. But from the standpoint of policy, certainly this could and should have been a much better agreement. We should have addressed labor conditions in a more robust way, likewise, in language to preserve the environment. But on the whole this agreement does much more for Central America than we will have the opportunity to do in a long time to come, and that is the reality.

Today we have a perfect storm of political confluence where the elected leaders of all of these nations are products of democratic elections, and their leaders are telling us they want this trade agreement to pass. The leader I have the most respect for, Oscar Arias, a Nobel Peace Prize winner, wrote an editorial, in the Post, and I trust we read it on both sides of the aisle. The thrust of his argument was, please give us an opportunity to stop having to export our people and let us begin to export our products and our services. And the only way that we can do that is to provide an incentive for all these multinational corporations, people with capital to invest, to invest it in Central America; ultimately invested in the human infrastructure, the roads and the bridges, the transportation and the communication systems, and the human infrastructure, the people, their education, their skills, their training. It will be in their interest. It is not in their interest now.

Central Americans have paid the price for a system of government that continually exploited people who had no power; that was ruled largely by a handful of elite families, many of them descendents from the original European settlers who came there half a millenia ago. For 500 years they have been suffering. It is time to put an end to their desperation and isolation. They need and deserve a seat at the table of the global economy.

I am not going to try to justify or rationalize or excuse all of the problems with a globalized economy. Certainly people lose their jobs and people are hurt, but the global economy is a reality of today's world. And if you are not at the table, you will suffer. We cannot maintain even the status quo in Central America any more than we can in this country. If CAFTA doesn't pass poverty will get worse in Central America. Jobs will continue to be lost at an even faster pace to China and other countries who are more competitive, and capital will go elsewhere if we do not pass this trade agreement.

It is in so many ways deficient. I am not going to argue about that. But it is a fact that over the next 4 years $160 million is going to be invested in enforcement of labor laws, labor laws that are actually pretty good on the books of these nations. They are not enforced, but today this is the best opportunity to have them enforced. There will not be another opportunity to

have them enforced, and we have that commitment. And, likewise, the environment will not be exploited to the degree that it has been.

It is not a perfect agreement, but it is our responsibility, our duty, as far as I am concerned, to pass this agreement now, to work with Central America, to work with the people that will invest in Central America to bring about a better world. A world one day of opportunity for the best and brightest Central Americans in their own country, so they don't have to risk everything in pursuit of it outside their country of birth. I do understand that it is important to be on the right side of the political equation tonight, but it is even more important to be on the right side of history, and I think the right side of history will prove to be a yes vote for CAFTA.

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

Mr. Speaker, I would like to quote what the bishops have said about this because I think the previous speaker gave an eloquent speech, but he said one thing: It could be better for the workers.

I do not have any argument with that. And the bishop said, the panel urged that the agreement should contribute to sustainable human development, especially among the poorest and most vulnerable sectors; that the countries' governments take as much time as necessary to provide adequate information and foster broad debates about the contact and impact of the agreement, and that the moral measure of any trade agreement should be how it affects the lives and the dignity of poor families and vulnerable workers whose voices should receive special attention in this discussion.

Mr. Speaker, the following six pages are organizations representing religious leaders in Central America and the Dominican Republic, representing peasants, representing farmers, representing workers that all they are asking is please include us.

CENTRAL AMERICAN GROUPS OPPOSED TO CAFTA

Acción Ciudadana (Nicaragua)
Action Aid International (Guatemala)
Action Network of Citizens Against Free Trade (SINTI TECHAN)
Advising Committee of Rural Organizations of Honduras
Agrarian Platform of Guatemala
ALERTA-AMBIO (Environmental Alert)
Alexander Von Humboldt Center
Alliance for Life and Peace
Antonio Valdivieso Ecumenical Center (CAV)
Asociación de Mujeres de Occidente (Guatemala)
Asociación de Trabajadores del Campo (Nicaragua)
Asociación Hijos e Hijas del Maíz (Nicaragua)
Asociacion Servicios de Promoción Laboral (ASEPROLA)
Asociación TECUILCAN (Nicaragua)
Asociaciones de Pacientes
Association for Development and Ecology (APDE)
Association for Health and Inter-Communal Social Services in El Salvador (APSIES)
Association for the Advancement of Social Services (AVANSCO)
Association for the Promotion and Development of the Community (CEIBA)
Association of Agronomy Students of Guatemala (FEAG)
Association of Integral Development of Batan (ADIBA)
Association of Organizations of Central American Farmers for Cooperation and Development (ASOCODE)
Association of Professors of Secondary Education (APSE)
Association of Rural Communities for the Development of El Salvador (CRIPDES)
Association of Rural Organics Producers (ACAPRO)
Association of Skilled Women
Association of Social Security Employees (AESS)
Association of Women in Micro-Industries of Salamanca (AMUNTA)
Bishops' Secretariat of Central America (SEDAC)
Bloque Popular—Colomoncagua (Honduras)
Bloque Popular (Honduras)
Bloque Popular Centroamericano
Bufete Jurídico Ambientalista ''4 de Mayo'' (Nicaragua)
Caribbean Theological Center of Bautista (CTC)
Catholic Church of Santa Rosa of Copan
Catholic Church of Trujillo
Center for Consumer Defense (CDC)
Center for Legal Assistance for Indigenous Peoples
Center for Legal Attention in Human Rights (CALDH)
Center for Studies and Publication Preparation
Center for the Costa Rican Workers Movement (CMTC)
Center of Friends for Peace (CAP)
Center of Work Studies (CENTRA-El Salvador)
Central American Federation of Communal Organizations (FCOC)
Centro Civico Democrática (El Salvador)
Centro de Asistencia Legal a Pueblos Indigenas (Nicaragua)
Centro de Estudios Internacionales (Nicaragua)
Centro de Estudios y Apoyo Laboral (El Salvador)
Centro Humboldt (Nicaragua)
Centro para la Defensa del Consumidor (El Salvador)
Citizen Network Against GMOs for Mexico and Central America
Citizen Council of Popular and Indigenous Organizations of Honduras (COPINH)
CNOC (Guatemala)
Civil Society Conference (Costa Rica)
Colectivo de Mujeres de Matagalpa (Nicaragua)
Comisión Intersindical (El Salvador)
Comité ''Si a la Vida no a la destrucción del Medio Ambiente'' de León v Chichigalpa (Nicaragua)
Comité de Solidaridad ''El Arenal'' (Nicaragua)
Comité de Solidaridad Zapatista (Nicaragua)
Comité por la Paz, León (Nicaragua)
Committee for Work with Women Farmers (CNTMC)
Committee of Costa Rican Banana Unions (COSIBACR)
Committee of National Rural Organizations
Committee of NGOs (Non-Government Organizations) and Cooperatives (CONGCOOP-Guatemala)
Committee of the Salvadoran Workers Union (CSTS)
Committee of United Farmers (CUC)
Convergence of Movements of Peoples of America (COMPA)
Comunidades Ecleciales de Base (Nicaragua)
Confederation of Federations for Agricultural Reform of El Salvador (CONFRAS)
Confederation of Union Unification (CUS)
Confederation of Union Unity of Guatemala (CUSG)
Confederation of Workers in Honduras (CTH)
Confederation of Workers of the Countryside (CTC)
Consumers Association of Masaya (ACODEMA)
Consumers International—Regional Office for Latin America and the Caribbean (Chile)
Convergence of Movements of Peoples of America (COMPA)
Cooperativa Maquiladora Mujeres de Nueva Vida, Internacional (Nicaragua)
Cooperativa Multisectorial de Jalapa (Nicaragua)
Coordinadora de Organizaciones Indigenas y Campesinas (Guatemala)
Corporación Horticola (Costa Rica)
Costa Rica Association of Energy Producers (ACOPE)
Costa Rica Social Insurance Fund and Allied Institutions (SIPROCEMICA)
Costa Rican Confederation of Democratic Workers (CCTD)
Costa Rican Federation of Health Workers (FECTSALUD)
Costa Rican Lutheran Church (ILCO)
Costa Rican Union of Aids of Infirmary (SINAE)
Council of Development Institutions (COINDE)
Council of Research for Central American Development (CIDECA)
Democratic Civic Center
Education Corporation for Costa Rican Development (CEDECO)
El Salvadoran Center for Appropriate Technology (CESTA)
Electric Industry Union of El Salvador (SIES)
Emaus Forum (Costa Rica)
Employees Union of the National Bank (SEBANA)
Employees Union of the University of Costa Rica (SINDEU)
Encuentro Popular (Costa Rica)
Federación Nacional de Sindicatos Textil, Vestuario, Piel y Calzado (Nicaragua)
Federación Sindical de Trabajadores de los Servicios Públicos de El Salvador (FESTRASPES)
Federation of Cooperative Associations for Agricultural Production—FEDECOOPADES (El Salvador)
Federation of Cooperative Associations of Fishing Craftsmen of El Salvador
Federation of Farming Cooperatives of El Salvador (FEDECOPADES)
Feminine Group for the Betterment of Families (GRUFEPROFAM)
Foro de la Mujer Región II (Guatemala)
Foro de la Sociedad Civil (Nicaragua)
Foundation for the Cooperation and Communal Development of El Salvador (CORDES)
Foundation for the Education of Rural Leaders (FUNDACAMPO—El Salvador)
Fundación del Consumidor y del Usuario (Panama)
Fundación por los Derechos del Consumidor (Dominican Republic)
Friends of the Earth Costa Rica (CEOCO)
General Workers Confederation (CGT)
Global Conference of Guatemala
Green Tropics
Grupo de Solidaridad—El Arenal (Nicaragua)
Hemispheric Consumer Task Force on the FTAA (Chile)
Honduran Confederation of Cooperatives
Independent Federation of Salvadoran Micro Enterprises (FIMES—El Salvador)

Independent Monitoring Group of El Salvador (GMIES)
Indigenous Movement and Mesoamerican Farmer (MOICAM)
Indigenous Movement of Jinotega
Iniciativa CID
International Center of Political Economy for Sustainable Development (CINPE)
Inter-Union Commission
Juntas de Salud
Las Dignas (Women's Association for Dignity and Life—El Salvador)
Latin American Association of Pharmaceutical Industries (ASIFAN)
Latin American Biblical University (UBL)
Latin American Coordinator of Rural Organizations (CLOC)
Maquila Zone Federation
Melida Anaya Montes Women's Movement (MAM)
Mennonite Central Committee (Nicaragua)
Mesa Global de Guatemala
Mesa Laboral de Sindicatos de la Maquila (Nicaragua)
Mesoamerican Institute of Permanent Culture (IMAP)
Mesoamerican Peoples Forum
Movimiento Ambientalista Mesoamericano (Nicaragua)
Movimiento Ciudadano por la Vida con Justicia Social (El Salvador)
Movimiento Ciudadano por un Proyecto de Nación (Nicaragua)
Movimiento Comunal de Nicaragua
Movimiento de Activación Social Alternativo-Estelí (Nicaragua)
Movimiento Sobrevivencia Local (Nicaragua)
Movimiento Social Nicaragüense (Nicaragua)
Mother Jungle
Municipal Committee for Sister City Projects of Tipitapa (COMPALCIHT)
Municipal Workers' Union of the Province of Limón (SITRAMUPL)
National Advisor of Salvadoran Businesses (CONAES)
National Association for the Right of the Salvadoran Social Security Institute (ANDHISSS)
National Association of Public and Private Employees (ANEP)
National Chamber of Generic Products (CANAPROGE)
National Committee for Defense of Social Security and the Costa Rican Social Security Fund (CCSS)
National Committee of Salvadoran Women (CONAMUS)
National Committee of Popular Resistance (CNRP)
National Committee of Settlers of Marginal Areas of Guatemala (CONAPAMG)
National Committee of the Widows of Guatemala (CONAVIGUA)
National Consumer Defense Network
National Federation of Land Cooperatives and Agro-Industries (FENACOOP)
National Federation of Public Service Employees (FNTSP)
National Federation of Small Enterprises (FENAPES)
National Federation of Textile and Clothing Unions
National Foundation for Development (FUNDE—El Salvador)
National Indigenous and Rural Committee (CONIC)
National Medical Union
National Union and Popular Committee (CNSP)
National Union of Assistants of Infirmary and Public Health Related Issues (SINAESPA)
National Union of Costa Rican Small and Medium Sized Farmers (UPANACIONAL)
National Union of Employees Social Security Fund (UNDECA)
National Union of Health Workers of Guatemala (SNTSG)
National Union of Hospital Employees and Assistants (UNEHA)
National Workers Federation (FNT)
National Workers Union of Apprentices (SITRAINA)
Nejapa Foundation
Network of Alternative Community Commercialization (Red COMAL)
Nicaraguan Communal Movement (MCN)
Norma Virgtinia Guirola de Herrera Center for Women's Studies (CEMUJER)
Organization of Salvadoran Women for Peace (ORMUSA)
Pastoral Juvenil (Nicaragua)
Plataforma Contra el Libre Comerico—COMPA (Costa Rica)
Popular Block
Pueblo Indígena de Chorotega (Nicaragua)
Pueblo Indígena de Telpaneca (Nicaragua)
Red COMAL (Honduras)
Red Mexicana de Acción frente al Libre Comercio (México)
Red Nacioinal de Defensa de los Consumidores (Nicaragua)
Red Sinti—Techan (El Salvador)
Renum Novarum Confederation of Democratic Workers (CTRN)
Rural Way—Association of Rural Workers
Salvadoran Foundation for Peace and Development (FUNDASPAD)
Salvadoran Foundation for the Promotion of Social and Economic Development (FUNSALPRODES)
Salvadoran Social Security Institution Workers Union (STISSS)
Salvadoran Women's Movement (MSM)
Sandinista Workers Confederation (CST)
SHARE Foundation
Sindicato de Empresa de Trabajadores del ANDA (El Salvador)
Sindicato de Trabajadores de la Lotería Nacional de Beneficencia (El Salvador)
Sindicato de Trabajadores del Fondo Social para la Vivienda (El Salvador)
Sindicato de Trabajadores del Instituto Salvadoreño del Serguro Social (El Salvador)
Sindicato de Trabajadores del Sector Eléctrico (El Salvador)
Sindicato de Trabajadores por Establecimiento del Aeropuerto Internacional de El Salvador
Sindicato de Unidad de Trabajadores de la Empresa de Telecomunicaciones de El Salvador
Sindicato Nacional de Trabajadores de Industria de Transporte, Similares, y Conexos (El Salvador)
Solidarity Fund for the Benefit of Social Groups (FOSBAS)
Syndicated Organizations of the Health Sector (FOSSS)
Telecommunications Workers Union of El Salvador (SUTTEL)
Trópico Verde (Guatemala)
Tzu Kim Popular Movement
Unidad Ecologica Salvadoreña—UNES (El Salvador)
Unidad Ecológica Salvadoreña (El Salvador)
Unified Workers Union of the Municipality of Pococí (SUTRAM)
Unión Nacional de Pequeños Agricultores (Nicaragua)
Union of Assistants of the Health Sector (SINASS)
Union of Engineers and Professionals of ICE, RASCA & CNFL (SIICE)
Union of Health Workers (SITRASALUD)
Union of Hospital Workers of San Juan de Dios (SITHOSAJUDI)
Union of Industry Workers in the Electrical Sector (STSEL)
Union of the Tourism Industry and Hostelry (STITHS)
United Federation of Workers of General Foodstuffs and Agro-Industry (FESTRAS)
Unity Confederation of Workers of Honduras (CUTH)
Western Civic Committee
Woman and the Community
Women and Economy of El Salvador (REMTE)
Women of Mama Maquin of Guatemala
Workers Union of the Social Fund for Housing (SITRAFOSVI)
Workers' Union of the National University (SITUN)
Young Christian Workers

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), who served this country and served it well, and he wears that lapel pin showing how proud he is to be a veteran, not a Republican, not a Democrat.

Mr. COBLE. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL).

Mr. Speaker, weeks ago I said that CAFTA was neither as good nor as bad as its respective proponents contend. At that time I also said whether I vote for or against CAFTA, I will inevitably disappoint many of my constituents. It is that controversial, Mr. Speaker, in my district.

I told President Bush that my late mom was a textile worker. She sewed pockets in overalls. And when textile workers, specifically female workers, plead with me to vote against CAFTA, I said to the President, it is my mama talking to me, and I cannot turn a deaf ear to those pleas.

Now these workers, Mr. Speaker, may know virtually nothing about CAFTA, but their perception is that it is bad for them, it threatens their jobs.

Now, many Members tonight who normally support trade agreements will for some reason, perhaps valid or otherwise, vote no tonight, and that is likely unfortunate because it goes away from their normal voting pattern. And I am confident that there is much good as well as much bad inevitably. I have talked to the gentleman from Florida (Mr. SHAW) about it. Some people are going to be hurt, some people are going to benefit, not unlike other trade agreements that have come before us on this floor in years previous.

I usually vote against trade agreements. Tonight will be no exception, and I will do so.

I thank the gentleman from New York (Mr. RANGEL) for having yielded me time.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I ask you to join me in supporting the best interests of our Nation by passing DR–CAFTA. I support CAFTA because it is deeply in our national interest, and it is a progrowth, projob vote.

In the past I have seen the way free trade has revolutionized south Texas, bringing jobs, prosperity and growth to a part of the country that used to be economically underserved. DR–CAFTA will perpetuate that growth, opening export markets to our American farmers and businesses, thereby creating

jobs in farming, manufacturing and industry here at home.

When NAFTA was signed in 1993, there were four Presidents, Clinton, Bush, Carter, and Ford, present at the signing. We have a long history of bipartisan cooperation when it comes to the benefits of free trade. I hope to see that tradition continue.

American farmers currently face deep tariffs when exporting their goods to Central America, while 99 percent of the CAFTA agricultural products come into the United States duty free. This is a one-way street that needs to be redrawn into a two-way street, a two-way street of fair trade.

American farmers are struggling against an unfair international trading system, and they are at risk of failing. CAFTA levels that playing field. According to the American Farm Bureau, CAFTA would expand U.S. farm exports by $1.5 billion per year. CAFTA is also going to bring major gains to U.S. manufacturing. The National Association of Manufacturers recently reported that as a direct result of DR-CAFTA, U.S. manufacturers stand to gain approximately 12,000 new job opportunities for American workers.

CAFTA will also create tremendous job opportunities for the 13,000 American small businesses that are currently already exporting to those Central America countries. The economic opportunities created by DR–CAFTA will bring new jobs and the possibility of a middle-class life to millions of Central Americans who are currently living in poverty. If we create economic opportunities in those countries, fewer will be forced to flee to the United States out of economic desperation.

The prosperity created by CAFTA will act as the foundation for more a stable and democratic future for Central America.

Mr. Speaker, trade has the power to change the world. Out of all the policy instruments that we have here in Washington, few have as much power to change lives, bring hope, and draw people together in a rising tide of prosperity as our ability to promote free and fair trade.

I am a supporter of DR–CAFTA because I think it is not only as a smart policy of the United States, but also it is a way to change our whole atmosphere for the better.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), who has been not only a supporter of trade agreements, but he has been an architect in designing trade agreements. Every major agreement he just did not vote for, but he helped to make it better. That is when we used to work together on trade agreements.

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

Mr. LEVIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his kind words. What a privilege it has been to work with the gentleman.

This agreement as negotiated misses an historic opportunity. It fails a key growing challenge to globalization to expand trade so that its benefits are widely shared. Trade agreements must level up, not level down. And unlike Chile or Singapore or Australia, CAFTA nations have immense poverty, among the worst income inequalities in the world, and a weak middle class. And to change that, to change that, workers must be able to lift themselves up the economic ladder. And to do so, they have to have their basic internationally recognized rights, including the right to bargain and to associate.

The fact of the matter is contrary to any of the rhetoric that comes forth here tonight or any of the disclaimers, a majority of workers do not have enforceable rights in their nations' legal structures.

Unlike CBI now in effect, CAFTA gives Central American governments a pass on worker rights. All they have to do is to enforce their own laws, no matter how bad they are presently, or no matter how bad they make them in the future. It is a standard used nowhere else: Enforce your own laws in this agreement is a double standard that would stimulate a race to the bottom.

That is bad, number one, for millions of Central American workers mired in poverty.

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Number two, it is bad for the nations desperately needing a growing middle class. Three, it is bad for our workers, who will not compete with nations who suppress their workers. And it is bad for our businesses who need middle classes to buy their products.

I want to emphasize this, because the President has talked about security. Denial of worker rights and persistent poverty and inequalities are a source of insecurity, not security. A denial of democracy in the workplace is harmful to the spread of democracy. So not heeding our repeated warnings, the administration negotiated this CAFTA so it shattered the bipartisan foundation many of us have tried to build.

CAFTA needs to be defeated so that it can be renegotiated to meet the challenge of globalization. And that challenge is to shape a trade agreement so that it spreads more broadly the benefits of expanded trade, not reinforces an unsustainable status quo. Defeat this CAFTA so we can renegotiate a CAFTA that meets the challenges of globalization.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to point out that the last couple of speakers here, including the gentleman who just left the well, voted for trade preferences for these countries with much weaker labor standards in 1983. It passed this House by 392 to 18. It passed in 1990 by a voice vote. And then with the labor standards put in there, more labor standards, it was 309 to 110. We have strengthened the labor standards.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. Mr. Speaker, as chairman of the Committee on Energy and Commerce, which has some jurisdiction on trade, I rise in strong support of the CAFTA agreement.

Mr. Speaker, I rise today in strong support of H.R. 3045, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (DR–CAFTA). This important Agreement ensures the spread of fair and open markets for American goods and services. I want to commend the Bush administration, the majority leader, and my good friends on the Committee on Ways and Means for bringing this important legislation before the House.

The provisions in DR–CAFTA go beyond the mere dissolution of tariffs. This wide-ranging Agreement sets forth detailed requirements to eliminate the non-tariff trade barriers erected by the member countries. Often more nefarious than traditional protectionist measures, these barriers now constitute the principle impediment to achieving free and unfettered foreign commerce.

The elimination of all trade barriers to foreign commerce has long been a goal of the Committee on Energy and Commerce. So I want to express my great satisfaction that DR–CAFTA contains numerous chapters resolving potential non- tariff trade barriers.

Chapter 6 addresses each country's ability to promulgate needed sanitary measures. It is very important that our countries cooperate closely, and assist one another in protecting human, animal, and plant health. Plant- and animal-borne pests and diseases, including toxins and disease-causing organisms, must be carefully controlled, and the reaffirmation of WTO rules in this area strengthens the Agreement in a significant way.

Chapter 13 and 14 focus on telecommunications and E-commerce. These are some of the most important pieces of the Agreement before us. They promote, instead of hamper, growth in these areas. Chapter 13 ensures non-discriminatory access to public telecommunications networks in the Member countries, and requires the signatories to regulate their dominant telecommunications suppliers in ways that will ensure a level playing field for new market entrants; deregulation and technological neutrality are the key goals. Costa Rica is of particular note because of its government-provided telecom services, and the Agreement has special requirements for this country to open its market to American competition. Additionally, Chapter 14 builds on these goals by prohibiting discriminatory regulation of electronic trade. This chapter represents a major advance over previous international arrangements with regard to E-commerce.

The protection of Intellectual Property, IP, rights must be a part of any Free Trade Agreement, FTA, and Chapter 15 complements and enhances existing international standards in this area. It requires the Parties to ratify or accede to several existing agreements on IP rights, including two significant World Intellectual Property Organization

agreements to which the U.S. is already a Party.

Chapter 17 sets out the Parties' commitments and undertakings regarding environmental protection. It draws on the North American Agreement on Environmental Cooperation and the environmental provisions of other recent U.S. FTAs, including those with Jordan, Chile, Singapore, Australia, and Morocco. DR–CAFTA goes further however, and notably is the first American FTA that includes a process for public submission on environmental enforcement matters. The Parties must ensure that their laws provide a high level of environmental protection, and no Party may strive to weaken these laws to promote trade with Another.

The Committee on Energy and Commerce has jurisdiction over the areas I have discussed—as well as jurisdiction over non-tariff trade barriers generally—and my Committee plans to continue to exercise its jurisdiction over trade barriers to further the expansion of free and open foreign commerce.

Finally—and aside from the actual text of the Agreement—this implementing legislation offers an opportunity to show the people of the developing countries of Central America and the people of the world that when we speak of freedom and liberty and the importance of self-rule, we mean every word of it. The still-struggling, but nascent democracies of the DR–CAFTA countries need political stability to continue to grow. Economic stability and growth are important parts of that goal. Passing this legislation will help to tie these countries' futures to our own, and to reinforce our own democratic principles.

Mr. Speaker, I would again like to commend all the parties that made this Agreement possible, and to once again urge my colleagues to support unimpeded trade with foreign nations and to help strengthen economic and political stability in our hemisphere through the adoption of DR–CAFTA.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a member of the House Committee on Ways and Means.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise to register my strong support for H.R. 3045. For too long, the U.S. has watched from the sidelines while other nations have traded in the global marketplace. Thanks to the leadership of President Bush and the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), we passed the Trade Promotion Authority Act in 2001. This important legislation allowed the administration to engage with other countries and find opportunities for U.S. companies to sell their products to new customers. DR–CAFTA is another step towards knocking down trade barriers and opening new markets for U.S. products. DR–CAFTA countries are the second largest U.S. market in Latin America.

The debate on CAFTA has gone on for a long time. Like many of my colleagues, I have reviewed a lot of information. The most important thing we must remember is that this agreement levels the playing field. Right now, nearly 80 percent of imports from the DR–CAFTA countries already enter the United States duty free. Again, 80 percent of imports from CAFTA countries already enter the United States duty free. By leveling the field, we are opening markets to U.S. goods.

After passage, DR–CAFTA will immediately provide duty-free treatment to 80 percent of U.S. industrial products and 50 percent of agricultural products. This means jobs for U.S. workers and farmers. For the textile industry, DR–CAFTA will maintain the link between the U.S. and the region. Once passed, more than 90 percent of all apparel made in the region will be sewn from fabric and yarn made in the United States. This will allow the U.S. and the region to compete against China imports. As we heard earlier, China is a concern to some of my colleagues.

Finally, trade is key to freedom. By passing DR–CAFTA, we are making a firm commitment to the leaders of these Central American countries who are fighting corruption and supporting economic reform. President Bush has made DR–CAFTA his top priority. The U.S. Trade Representative has done an outstanding job in putting together this agreement, and Chairman THOMAS and Subcommittee Chairman SHAW have successfully moved the agreement through the legislative process.

Let us finish this job and pass CAFTA now, tonight.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. JONES), a distinguished Member of the House and of the majority party.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I am pleased and honored to be here to say it is time to defeat CAFTA.

This is not what we need for American workers nor what we need for those in Central America. I come from North Carolina, and I want to be on the floor tonight to speak on behalf of those 200,000 North Carolinians that lost their jobs because of NAFTA. I want to be on the floor to speak on behalf of the 2.5 million American workers that lost their jobs because of NAFTA.

NAFTA has been a failure for the American worker. Proponents of NAFTA promised that agreement would reduce illegal immigration in this country. Since then, 1993, Mr. Speaker, illegal immigration is up 350 percent. It does not work. CAFTA is NAFTA's ugly cousin. In fact, 85 percent of what is in the CAFTA bill is in the NAFTA bill. It is a cousin that is not very attractive at all.

Mr. Speaker, let me share with you and those on the floor tonight that I received a letter written to every Member of Congress from seven legislators, seven legislators from El Salvador, Nicaragua, Guatemala, and Honduras. Seven of these representatives, elected like we are by the people of those countries to speak out, have said that the CAFTA market has fewer than 9.2 million people who can buy U.S. goods. They say that this should be defeated.

Just a couple more points, Mr. Speaker. I want to quote from this letter: ''Our countries want trade, but trade agreements like CAFTA that limit the possibilities for our countries to enact policies that will truly develop our economies and improve the lives of our people.'' This CAFTA bill will not help the people in Central America and will not help them in this great Nation of America.

I want to take one more moment, and then I will close. I think how sad it is that we have lost so many manufacturing jobs in this country. How can a Nation remain strong without a strong manufacturing base? I want to close by putting this out on the floor. How sad would it be if 15 years from now we have to order our tanks and planes from China, and then drape the coffins of our heroes who have died from this country with flags that say ''Made in China,'' or ''Made in Honduras.''

Let us defeat this evil bill called CAFTA.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a distinguished member of the Committee on Ways and Means.

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

I was actually here when NAFTA was passed, and I voted for it. And I represented northeast Georgia, where all the textile mills closed over the next 10 years. When we voted on NAFTA, the unemployment rate was 6.0 in Georgia, and 10 years later it was 2.8. They did not have textile jobs, but they had jobs.

I spoke with President Clinton about it, and he said this is a jobs bill. And I said, Mr. President, this is not a jobs bill. Jobs come and jobs go. They go to cheaper fingers. It is a modest foreign policy agreement between two increasingly friendly countries that share a 2,000 mile border.

I actually own a plant in Mexico. You can pay them 58 cents an hour. But you pay them on Friday and they do not show up on Monday, and it gets very expensive as a businessman to rehire and retrain your workforce every Monday. So we now pay them $5.50 or $6.00 per hour, plus health care and profit sharing. And they are buying houses, planting grass, and buying American products. This is what happens in the world. You make their economy better, and they buy more American products. And we should continue to do that.

This is a modest foreign policy agreement between America and five countries plus the Dominican Republic that will make them safer and us safer in our hemisphere.

In one of the speeches that Chris Patton made, who was the last British Governor of Hong Kong around the time of NAFTA, he said ''If a spaceship had come from some foreign galaxy and landed in the teepee huts of North America or the typhoid streets of London or the warring clans of France,

they would have concluded within a millisecond that China would rule the world for centuries. China had discovered gun powder, the printing press, and had a rich and engaging culture. And then she built a wall around herself and history told a different tale.

Free trade agreements are about tearing down those walls.

Mr. RANGEL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. KILDEE).

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

Mr. KILDEE. Mr. Speaker, I rise in strong opposition to CAFTA.

Mr. Speaker, I rise in strong opposition to the CAFTA.

My statement can be summed up in two words: job loss.

We are voting today on an outsourcing agreement, not a trade agreement.

If anyone here thinks that CAFTA will help our economy, they need to look at the report prepared by the international trade commission.

The ITC says that CAFTA would actually increase our trade deficit with Central America while benefiting our economy by less than one-hundredth of one percent.

This same report says that sugar, textiles, apparel, electronics, transport, coal, oil and gas industries will see job losses if CAFTA is approved.

And in the case of sugar farmers and workers—like the 5,000 in Michigan—the report says job loss will be 38 times that of other industries.

The sugar industry is a major economic driver in my district and state, adding $525 million to the economy every year.

It's unbelievable that we are even here talking about destroying the lives of so many Michigan families, just so we can increase our trade deficit with Central America.

as a Nation, we need to get our priorities straight.

CAFTA's big brother, NAFTA, cost this country one million jobs.

And since NAFTA, our trade deficit with Canada and Mexico has increased by $100 billion.

Why then, did U.S. trade negotiators use the NAFTA model to construct CAFTA?

I implore my colleagues to make a stand with me today to not make the same mistake we made with NAFTA.

Let's tell our constituents that their jobs are more important than big business panning for cheap labor. Vote "no" on the CAFTA!

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), a senior member of the Committee on Ways and Means, and who, without his research and support, we never would have the Africa Growth and Opportunity Bill and who has worked on every trade agreement that we have passed in this House.

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

Mr. MCDERMOTT. Mr. Speaker, a question you might ask tonight is: Why are we passing this Central American Free Trade Agreement?

Today, the President of the United States came up to the Republican caucus and someone reported to me that he made some statement equal to, we have had a marvelous year. Now, if you think about what has gone on in the last 6 months, you would have a hard time finding any marvelous year. I must have missed it somewhere.

Our trade deficit is as big as it has ever been in our history. So is this a fix for that? If we pass the Central American Free Trade Agreement, will that fix our problems in trade?

Let me put it in perspective for you. The combined economies of these six countries is $85 million GDP. That is equivalent to Tampa, Florida, and the neighborhood around it. That is what kind of place we are talking about. We are talking about a little bitty place.

Now, what do they have down there? Well, they have lots of poor people. Right? Good workers. Hard workers. A lot of them go to a lot of trouble to try to come up here and get into this country. And people wonder why? Well, it is because they are hard-working people. They are tough, they work hard, and they go through a lot of stress and strain. So if we can keep them down in their own country and keep them working down there where they do not have any laws and move our jobs down there to them, well, who wins in that?

I guess they get a 50-cent-an-hour job. That is a real improvement. With no protections, no guarantees from a union that they are going to have health care or education or worker safety or any of the things that our workers have in this country. But we have got a cheap workforce.

You heard the gentleman from North Carolina (Mr. JONES) talk about one of the underlying things here. One of the ideas about this bill is if we can keep them down there, they will not be coming in up here. We will stop that immigration. Let me tell you something, folks. It has not stopped it from Mexico. It is not going to stop it from Central America. These people know. They are not stupid. They may be poor, but they can figure it out. And they can figure out working for 50 cents an hour down there is not as good as coming up here and getting involved in even the most menial jobs in this country.

So what we are saying is we have negotiated a treaty. Did we negotiate a trade agreement with the workers? No. If you look at every single one of those countries, they are all the same. They have a very thin elite who control the whole country, and have for centuries. And all we are doing is giving them more power to work on their workers. That, in my view, is not fair to the workers, and it is not an honest way for this country to operate. We are setting no example for the world by keeping poor workers down.

Mr. Speaker, I rise in support of the American worker and American business, and the best way I can do that this week is to vote against CAFTA and I urge every I Member to do the same.

We know better, it is as simple as that.

CAFTA is bad public policy that has no place in a 21st century global economy.

Free trade between the United States, and the Dominican Republic and Central America is vitally important, but it has to be fair trade and CAFTA does not measure up. We have known this about CAFTA for some time.

For over a year, the American people kept hearing that CAFTA was coming, but it never arrived. The majority didn't have the votes because they had not earned the votes—even within their own party—by floating a blatantly unfair agreement that fails repeatedly to make real gains and real change.

For over a year, Democrats and many rank-and-file Republicans repeatedly urged the majority to act like statesmen and not henchmen for the administration.

Instead, Republican leaders have chosen destructive confrontation instead of constructive dialogue. If their strong arm tactics succeed, America will have an unfair international trade policy that would not help Central America much and will harm America a lot.

The omissions are glaring in CAFTA—chief among them: environmental protection, worker rights, and fair policies that could benefit every American business, not just a few.

As the largest market in the world, United States international trade policy should be leading the world, not following special interests, which have only their own interests in mind. But that is not the case in CAFTA, which retains protectionist trade policies that benefit U.S. textile interests and no one else.

CAFTA represented a real opportunity for the United States to apply what we have learned—both good and bad—from NAFTA and all the other trade agreements implemented over the last decade.

In CAFTA, we could have supported American jobs and American companies. We could have led the region into creating real family wage jobs instead of any wage employment.

There is so much we could have done but what we have is a Republican majority attempting to export their philosophy of the Haves and Have-nots. "Greed is good" should not be the mantra that comes from CAFTA.

The United States and Central America need an honest trade agreement that represents the best of America and CAFTA doesn't come close. Vote to keep America as a beacon of hope and not a bastion of greed.

We need to renegotiate CAFTA and the first step in that process is to vote "no" on this hopeless, helpless, and hapless agreement.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means who has been very active in putting together this agreement.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. In recent years, a bipartisan Congress, Republicans and Democrats together, has extended our trade hand to the Muslim people of Morocco, the sub-Saharan nations of South Africa, our Asian allies in Singapore, and Arab friends in Jordan. Why would we now refuse to extend the same hand of trade to our Hispanic neighbors in Central America?

This ought to be larger than raw partisan politics. This is a test of American leadership in a changing world. We

cannot claim to be fighting for American jobs yet turn our backs on 44 million new customers in Central America, already the tenth largest buyer of America's goods and services, when much of the world has firmly posted ''America need not apply'' signs on their markets.

We cannot claim to be serious about winning the textile war against China if we turn our back on the partnership with Central America where our textile workers in America and Central America can compete and win against the surge of China's imports.

□ 2115

And we cannot claim to be the world's beacon of freedom if we turn our back on Central America, a region which 20 years, amid civil war, chose the values of freedom and democracy, and, to their credit, have made absolutely remarkable progress in free and fair elections, rule of law, human rights, labor rights, and environmental protections.

Central America has painfully pulled itself up the ladder of democracy. Rather than kick them back down as opponents suggest, we ought to continue to extend our hand of trade to help them pull themselves up even further.

America must not retreat or disengage. We must not abandon our commitment to democracy and human rights in our hemisphere. We must continue to stand for economic opportunity at home and abroad. This Central American trade agreement is a test we cannot fail.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER) on the other side of the aisle.

Mr. OTTER. Mr. Speaker, in my other life I was a salesman. As a salesman, I negotiated a few trade agreements, trade agreements between my potato company in Idaho and McDonald's all over the world; in fact, 82 foreign countries.

I would venture to say that I could challenge anybody on this floor that I sold more potatoes, more French fries, more product for more money than probably anybody else in the United States Congress. So let me come at this from a little different perspective, and the reason I want to come at it from a little different perspective is because I cannot flimflam. I cannot overpromise and underdeliver hoping that people will forget in a couple of years, a la NAFTA.

Mr. Speaker, when I was working, my boss said, you come home with an order, you come home with an agreement, you get an agreement from somebody, you better perform on it.

So I would do this tonight, Mr. Speaker. I would tell Members, everybody that wants to adopt this agreement, put your job on the line. If in 2 years all of the things that you say are going to come true do not come true, quit. Quit the United States House of Representatives, because, my friends, you are the salesmen for the United States.

If you want to stand behind this trade agreement, you go ahead. But I am not; I would not risk, if I were you, your job on this, because as Patrick Henry said, I have been one lamp that guides my path into the future, and that is the lamp of experience.

We have experienced NAFTA. And by the way, as we stand on the shoulders of those Founding Fathers that built the very foundation of philosophy and politics that we stand on today, let me also quote George Washington who said, If to please the people we promise that which we ourselves disprove, how will we later defend our work?

You will not be able to defend your work, folks. Give it up.

Mr. SHAW. Mr. Speaker, I guess that challenge would go in both directions.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

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

Mr. Speaker, we have heard a lot about manufacturing jobs and about the trade deficit tonight. I think we will probably hear more.

As one of the very few Members of this body who actually spent my entire adult life in manufacturing, I rise in strong support of DR–CAFTA. The reason I support it is because during my business career, I learned a couple things. One of the first things I learned is that when you are trying to export your goods outside the United States, no tariffs is a good thing. When you do not have to pay tariffs for your products you are exporting, you are more competitive, you sell more of your products, and you create more jobs.

The other thing I learned is that in business you have to make your decisions based on facts. If you make your decisions based on rhetoric, you will go out of business pretty darn quickly. When it comes to the trade deficit, the facts are that 82 percent of our trade deficit comes from countries we do not have trade agreements with. Thirty percent of our imports come from countries we do have trade agreements with, while 40 percent of our exports go to countries we do have trade agreements with. And 96 percent of the world's consumers are outside of the United States.

Mr. Speaker, the facts are if we are serious about creating jobs, if we are serious about reducing our trade deficit, we must tear down trade barriers and give American companies access to the world's consumers, and that is exactly what DR–CAFTA does. I urge all of my colleagues to support it tonight.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), someone who has studied and is very familiar with this legislation.

Mr. BECERRA. Mr. Speaker, President Reagan said it best: Trust, but verify. On CAFTA, that is all we are asking. I think most of us believe that the Central American governments want to prove that they can play by the rules in the international marketplace, but before we agree to open up America's markets, and that means America's jobs, to fierce competition, we must know that the rules will be followed and enforced. Trust, but verify.

An agreement that merely says enforce your own existing laws fails President Reagan's test. The truth is if the American public knew that we were about to open up America's markets to further international competition based solely on the good faith of our competitors, they would run us out of Washington. Just as no consumer today would buy or sell a house on a handshake, neither should we open our markets with one.

When we shook hands with China and allowed them to receive favored-trading status with America, did we expect that they would respond by pirating America's goods or by paying industrial wages of 60 cents an hour? That is the kind of cutthroat competition that CAFTA will permit, but this time that kind of distorted competition will live and breathe in our neighboring Central American countries, not 6,000 miles away. Will the Central America countries feel the pressure to trade under America's standards or China's standards?

Mr. Speaker, no one wins in a race to the bottom. The vast majority of people in the Central American countries, the workers, the farmers, the small merchants, would not win, and certainly U.S. businesses will not win in the long run.

Mr. Speaker, it is better to lift all boats so we can trade as partners and as equals. I recognize the importance of trade in our hemisphere. I have supported every piece of legislation for every trade agreement that has come before me in my 12 years in Congress. Regrettably, this is not a trade agreement I can support. It does not reward work in America or Central America. It is not an agreement that deserves our vote. Vote ''no'' on CAFTA.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a distinguished member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I have been sitting listening to this debate, and there are some points that are being missed. Everybody says we should not open our markets to Central America. They are already open to Central America. We already gave them free access to the American market.

Everybody says this is going to encourage companies to relocate to Central America. That is what we are doing today. The current system is an incentive to relocate because right now an American company can move to Central America, build their equipment or product there, and bring it back tariff free to the United States.

Right now if we want to sell a product into these countries, we have to build it there. We have to relocate jobs there if we want to sell it there in order to avoid these tariffs.

Mr. Speaker, what this simply does is open up their markets as we have opened up ours to them. It takes a one-way trade agreement and makes it a two-way trade agreement because we are already giving them free and fair access. That is what I call fair trade, having them treat us as we treat them.

Look at what it does in just my own State of Wisconsin. The corn tariffs, our tariff on corn, 35 percent; tariff on their corn, zero. That goes to zero tomorrow if this passes.

Tariff on American soybeans going into the CAFTA countries, 20 percent; tariff on theirs coming here, zero. Our tariffs goes to zero tomorrow.

Manufacturing goods, most of our products in the State of Wisconsin that are exported is our manufacturing sector. This takes those manufacturing tariffs and drops them so we can export more manufacturing goods and keep these jobs in Wisconsin. This is good for our States. This is good for our economy.

I heard Members say it is bad for labor. Most Republicans and Democrats voted for the Moroccan trade agreement. This is even stronger than that Moroccan trade agreement. This is the strongest labor agreement of any trade agreement that we have brought to this floor to date.

Mr. Speaker, lastly, it is no secret the antidemocracy movement is trying to stop this. Let us strike a blow for democracy and help these fledgling democracies and pass this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

I rise in strong opposition to this legislation. As many Members know, I frequently vote no in this House because I have a very strict rule. The rule is I look to Article I, section 8 for authority. Article I, section 8 gives very precise items that we have authority over. One is foreign commerce. We, the Congress alone, have authority over regulating foreign commerce.

This bill is a violation of that provision in the Constitution. We as a Congress have done something over the past several years that is unconstitutional in transferring this power first to the President and then to an international bureaucratic agency. This is wrong. It is not practical. It is not beneficial, it is unconstitutional, and it is a threat to our national sovereignty.

Members say it is not a threat to our national sovereignty and that we can veto what they tell us to do; but it does not happen that way. If we were interested in free trade, as the pretense is, you could initiate free trade in one small paragraph. This bill is over 1,000 pages, and it is merely a pretext for free trade.

At the same time we talk about free trade, we badger China, and that is not free trade. I believe in free trade, but this is not free trade. This is regulated, managed trade for the benefit of special interests. That is why I oppose it.

There is one specific provision in this bill that bothers me a lot, and that has to do with the Codex Alimentarius. These are rules and regulations written by the WTO, accepted by the European community, and it is specifically mentioned in this bill in chapter 6, paragraph number 6, and it talks about a forum where you can come and complain about regulation on vitamins and nutritional products.

If Members are interested in freedom to buy vitamins without going to a doctor for a prescription, you have to vote against this bill. If you want international harmonization of nutrition and vitamins, you can vote for this bill, but I am opposed to that, and most Americans are as well. Vote no on this legislation.

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

Mr. Speaker, I will supply to the gentleman who just left the well the case number of the case which settles this. This is certainly within the bounds of the Constitution.

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

□ 2130

Mr. BURTON of Indiana. Mr. Speaker, I would like to talk to my colleagues who were here back in the early to mid-1980s, some of the older gentry in this body. Do you remember when we saw the Contras and the Sandinistas fighting and the bodies in the streets of Nicaragua, Managua? Do you remember all the wrangling that went on in this place because of the war down there? Do you remember the FMLN in El Salvador and the killing that went on down there?

The same people that were involved in the leftist movements down there that Fidel Castro was supporting, the Communists down there that Che Guevara was supporting are the same people that are opposing CAFTA today because they believe in a different form of government and a different approach to government. The Sandinistas are opposed in Nicaragua to CAFTA. The leftists throughout Central and South America are opposed to CAFTA because they do not want free enterprise to flourish down there. They do not want trade to flourish.

I would like to say to my colleagues tonight, look back at history. It is extremely important that you think about not only trade, but the security of the United States and immigration. When the wars broke out in Nicaragua and El Salvador, there was a massive migration of people to the United States. Go to Miami today. There are a lot of people who illegally came into this country from El Salvador and Nicaragua because they were fleeing the war down there. The people who could not afford it came up through Mexico and started coming across the border.

I submit to you tonight if we do not pass CAFTA and help stabilize those fledgling democracies and deal with the poverty problems down there, that we are going to have more wars down there, we are going to have more civil disorder and insurrection. There are governments down there that are trying to undermine fledgling democracies with their largesse, and they are going to continue to do it. What we have to do to combat that, in my opinion, is to support CAFTA, support trade, which will create more jobs down there and create an economy that will keep people at home and stop massive immigration into the United States. If we do not, in my opinion, there will be wars there, there will be massive immigration, and the security of the United States as well as the immigration problems will increase.

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

The gentleman from Indiana is really so entertaining. After he got past Fidel Castro, I was ready for Osama bin Laden and Saddam Hussein. Now that you mention it, I think we ought to have a search for weapons of mass destruction. I do not know how short you are on votes, but I want the gentleman to know, I appreciate his edification of how serious it can be. The Communists can come back.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I love you, man. You know that. But I have got to tell you, the Sandinistas and the leftists in Central and South America are against this for the reasons I stated. If you really believe in stability in our hemisphere, and you do not want to see more conflict and massive immigration, this is a good vehicle to vote for. And I love you, man.

Mr. RANGEL. You have access to secret information from what I read in the paper, so be careful what you say because you may have to go to Niger.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a member of the committee.

Mrs. JONES of Ohio. I would like to thank the gentleman from New York for this opportunity to be heard.

Mr. Speaker, I rise today against CAFTA because the agreement not only lacks significant labor protections for workers in the CAFTA countries, but also lacks necessary support for American workers. Charity begins at home. Let us not talk about our neighbors' workers. Let us talk about our own workers. With international trade comes economic pain.

The United States has lost 2.8 million manufacturing jobs since January 2001. In Ohio, we have lost 200,000 jobs. Past administrations and Congresses have acknowledged a relationship between international trade and domestic job

losses by having created the Trade Adjustment Assistance program in 1962 and subsequently expanding it. The program assists workers who have lost their jobs due to international trade by extending unemployment compensation and providing job training. Training is arguably the most important TAA component, as education and learning new skills is essential to finding a new job.

During the Ways and Means Committee markup, I introduced an amendment that addressed that problem in order to keep up with worker demand. Unfortunately, that amendment was rejected. Additionally, during CAFTA markup, the Senate Finance Committee adopted an amendment that would have expanded TAA. Unfortunately, that provision was stripped from the CAFTA legislation. So right now there is nothing in TAA or in this final CAFTA legislation to assist American workers that have lost their jobs. Even a provision that Chairman THOMAS originally included in the bill is stripped from the legislation. That study would have looked into whether TAA should be expanded as a result of any negative effects of CAFTA.

So I ask, where is the commitment to the American worker in the CAFTA bill? NAFTA, CAFTA, SHAFTA for American workers.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in support of this trade agreement. This has enormous upside potential for financial services. As chairman of the Financial Services Committee, we have studied this issue at great length. The opportunity for American financial services companies to provide services in the DR–CAFTA region is truly a unique opportunity for those companies. We would be foolhardy if we were to ignore the opportunity for a two-way street in providing those financial services.

Let us review the bidding. The Caribbean Basin Initiative essentially was a one-way street. That is going to expire. This is an opportunity for American companies, financial services, manufacturers, farmers, to be able to introduce their products to these markets. Currently over 80 percent of the exports that come in from the Caribbean countries come in duty free in this country, unlike some of the rules that restrict our ability to do that in that region.

This is a huge opportunity for my home State of Ohio, whether it be manufacturing or whether it be agriculture. It is easy to talk about job losses, but the idea is to actually improve the opportunity to expand exports into these countries. This Congress time and time again has approved free trade agreements, with Australia, with Chile, with Morocco and other countries, on a large bipartisan majority. Why would we ignore the opportunity in our own backyard to improve the markets and to improve the ability of our exporters to penetrate those markets when we are doing the same for other countries throughout the globe? This is an incredibly important statement. Let us support this free trade agreement and move on.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), an outstanding member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I represent the family farmers of the Red River Valley. They are descendants of the families that broke the prairie of the northern plains and are now raising sugar beets as part of an industry that they have grown with their own sweat and tears. This industry from the farmers to the workers in the processing plants today amounts to an economic impact of $2 billion to $3 billion and nearly 30,000 jobs in our rural region alone.

The CAFTA deal places all of this at risk. It allows sugar to pour in from the CAFTA countries whose wages have no relation to ours, and whose environmental protections in their plants are all but nonexistent. That is just the start, because this will serve as a precedent for any number of trade deals with sugar-producing countries to follow.

Some supporters argue we should not even have a domestic sugar industry anymore, that these farms and these jobs should be sacrificed at the altar of free trade just like so many jobs that have been lost in the flawed trade deals that have gone on before. We are now at the deepest trade deficit in the history of our country. My colleagues, this year we are on track to import more food than we sell. The United States of America. A net food importer.

This has to end. When will it end? When will we decide U.S. jobs are worth fighting for and that the economic hopes and dreams of our families are what we ought to be representing? It should end tonight. Tonight we stand for our constituents, their jobs, their lives, their hopes and dreams of a better life. Tonight we need to defeat this bad trade deal. Let us win one for the American people. Vote ''no'' on CAFTA.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), a great advocate of free trade.

Mr. KOLBE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the Central American Free Trade Agreement. CAFTA is a little trade agreement with small economic consequences for our country, but it is a huge national security issue with enormous implications for our entire foreign policy. With CAFTA, we can close the book and forever put the decade of the 1980s behind us, or we can start at the beginning and relive the nightmares of earlier chapters in U.S. relations with Central America.

In a single generation, Central America has been transformed from a region of conflict, instability, and authoritarian regimes to a region of peace, emerging democracies, and growing prosperity.

Today we cast our votes for more than a trade agreement. We are voting for an initiative that will strengthen democracy and promote prosperity in our hemisphere. It is a vote that will have enormous consequences for U.S. national security, because without economic growth and opportunity for the nations and people of Central America, the U.S. will inevitably be confronted with growing political instability and social unrest in our own backyard. Deprive Central America of economic opportunities, and we run the risk of a return to authoritarian regimes and a rising tide of illegal immigration from people without jobs and without hope.

None of us want to return to the dark days of the 1980s when the Sandinistas and the rebel groups prospered from economic policies that left people desperate for a better life, but no one stands to gain more from the defeat of CAFTA than President Hugo Chavez of Venezuela. Fueled by $100 million each day of oil money, President Chavez is already meddling in Central American affairs and would like nothing more than to pick up the pieces of an economic policy in a region shattered by the defeat of CAFTA. The Washington Post editorialized that Mr. Chavez has spread his money around the region, sponsoring anti-American and anti-democratic movements and promoting alternatives to U.S. initiatives.

Those in opposition say CAFTA will increase poverty, spur immigration, ruin the environment, and exploit workers. Nothing could be further from the truth. Certainly CAFTA does not fix all the problems facing Central America, but increased economic integration can only add jobs and help alleviate poverty, reduce the flow of migration northward, and make our region more competitive in world markets.

Mr. Speaker, let us turn the page and write a new chapter of partnership with the peoples and the countries of Central America. I urge an ''aye'' vote.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN), who has worked very hard in trying to perfect this legislation.

Mr. BROWN of Ohio. I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I have been privileged to work closely with dozens of Democrats and Republicans in building a strong coalition against the Central American Free Trade Agreement. I would like to thank the gentleman from North Carolina (Mr. JONES), the gentleman from Idaho (Mr. OTTER) and their staffs for their outstanding efforts in helping to build this coalition.

I thank the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. LEVIN) and the gentleman from Maryland (Mr. CARDIN) for their leadership, as well as Tim Reif and Julie Herwig and, in my office, Joanna Kuebler and Brett Gibson for their outstanding work. A special thank you to the members and staff of the CAFTA whip operation, a grassroots bipartisan operation numbering literally in the hundreds, made up of Members and staff on both sides of the aisle.

□ 2145

CAFTA faces broad and deep opposition because it was crafted by a select few for a select few. More than 200,000 Central Americans have protested the Central America Free Trade Agreement. In the United States, thousands, literally thousands of Democrats and Republicans, business and labor groups, small manufacturers, family farmers and ranchers, religious leaders have called on the administration not to reject any CAFTA, but to renegotiate this Central American Free Trade Agreement. We do want trade with Central America, but we want a trade agreement that deserves to pass Congress based on its merits.

CAFTA supporters have resorted to toothless side deals and strong-arm tactics. Late last week, a CAFTA supporter and member of the congressional leadership said they would win this vote by twisting arms until they break in a thousand pieces. By twisting arms until they break into a thousand pieces. When facts fail, they twist arms. They make deals. They buy votes.

The CAFTA debate is not a Democrat or Republican issue. The call to renegotiate crosses party lines and ideologies, as we have seen tonight. Tonight's debate is about social and economic responsibility to our families in this country and our communities and our trading partners abroad. This agreement is about U.S. companies moving plants to Honduras, outsourcing jobs to El Salvador, and exploiting cheap labor in Guatemala. It is not about lifting up standards in the developing world. It hurts our families in this country. It does nothing for the Dominican Republic and the five Central American countries.

Mr. Speaker, when the nations' poor can buy American products, not just make them, then we will know finally that our trade policies are succeeding.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), who knows what it is like to lose freedom in her native country.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida for yielding me this time and for his great leadership on this important issue.

America is the beacon of hope, the beacon of freedom and hope and opportunity for so many people. It was the beacon of hope and opportunity for my family when we came over from Cuba. America spreads democracy to every corner of the world. We stand firm in the belief that every person is entitled to the freedom that we in the United States are so fortunate to enjoy. Open trade and free markets with democracies play key roles in sustaining that vision.

This House tonight will demonstrate our unwavering commitment to the spread of democracy by passing CAFTA. Some countries in this region were riddled with internal strife and political instability. I know. I represent many of those people who escaped from that internal strife in their countries. Although many of them have traveled a long way toward democracy in their homelands, now their homelands have arrived. They have democracies, and they are flourishing. But they need our help.

CAFTA will be a critical tool in maintaining this momentum towards a prosperous future. Not only will it promote expanded development and openness in the region; CAFTA will also create new opportunities, economic opportunities, jobs and growth, by eliminating tariffs, by promoting transparency, and by opening markets to U.S. products going abroad.

We have a commitment to work together to promote civil society, the rule of law, and to spread democracy throughout the world; and CAFTA–DR will help us achieve that commitment.

(The gentlewoman from Florida spoke in Spanish.)

Mr. RANGEL. Mr. Speaker, we are privileged on this side to have someone who is very familiar with that area, who worked hard and became a Member of this body.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank our ranking member for yielding me this time, and I thank the Members in the House tonight.

I have to tell the Members that, as a proud member of Congress, the only Member of Congress of Nicaraguan descent, I am proud to say that my mother just returned from Nicaragua. The news was not a happy sound at all. Poverty, yes, is very bad. The people there are looking for leadership in the U.S. House of Representatives. They are asking us to vote down CAFTA because they know that the government there does not realize that the people there have been suffering for over 40 years. And to this day, they are looking for Members in the House to provide support so that people there can have dignity and respect.

Why is it that we can pass an agreement like this that does not allow for people in those countries, in El Salvador and Nicaragua and Costa Rica, to collectively bargain? Why is it in El Salvador two people who were trying to organize were shot to death in front of their houses? Why is it that we have to stand up and allow for that disgrace to occur when this country is so rich and so wealthy that we cannot provide other types of aid and assistance so that people can be empowered to do what they choose to do, to build their houses, to have dignity, to have health care?

What we are doing and are proposing tonight is that the pharmaceutical companies would take away very important medical assistance to people who are dying of HIV and AIDS in Guatemala. How dare we decide the destiny of people in Guatemala by saying we are going to raise the price of medicine for them and for their children. Yes, they are going to want to come to this country because do the Members know why? We are cutting them off at the knees.

And as a proud member of the Hispanic Caucus, 14 members, a majority of that caucus, voted against DR–CAFTA.

We need to go back to the table. We need to have more transparency. We need to stand up for those young women who are going to be drawn into those jobs, who are going to be abused, who are currently being abused even in Mexico.

I would just like to tell the Members that in Mexico, where my father was raised, in the area of Ciudad Juarez, the people who were attracted to those jobs were ages 14 to 20 years old. These are young women who were drawn into the maquiladores. They are the same type of individuals that we have drawn into these types of factories that will work in El Salvador and Nicaragua. Right now there are some free trade zones there. The people that I see lining up for those jobs are 14 and 16 years of age, working 12 hours a day, in an encampment where they are not even allowed to go to the restroom without having permission.

We do not need DR–CAFTA. Please vote for humanity, for respect for the people of Latin America and Central America. I stand tall with the Democratic Party.

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

Mr. Speaker, I would say to the gentlewoman in the well that this bill contains an unprecedented amount of capacity-building in which we will give assistance to these countries to enforce their own labor laws, more than in any other bill that has ever come to the floor of this House. Also, the enforcement provisions are within the trade bill itself.

Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I had real doubts about CAFTA as it started. In particular, representing a textile district, there were three specific concerns. And the very exciting thing is that this House really went to work to fix those. I am looking at the gentleman from California

(Chairman THOMAS), who has worked very hard with us, along with Rob Portman, USTR, to address those concerns.

Three of them: one was pockets and linings. That is important only if one comes from a district that makes pockets and linings, I suppose. Another was Mexican cumulation. And then a third was the Nicaraguan TPL.

In working through Rob Portman's office and through the chairman, we were able to get some progress on those, some commitments for some supplemental agreements, some implementation agreements that will address those concerns and go a long way toward fixing the problem in the textile world.

It is not perfect. There are some still in textile districts that are not sure. But I stand here tonight certain that CAFTA is a wise Western Hemisphere strategy. I stand here convinced that it is the best strategy available to combine with our neighbors to the south to compete with the Chinese. If I am concerned, and I am concerned, about the future of the textile industry in competition with China, the best way that I see to fix that is to combine with our neighbors to the south. So I particularly call on those from textile districts to consider is there a better strategy.

This is the best strategy available. Let us vote for CAFTA. Let us pass it and get on with this good strategy.

Mr. RANGEL. Mr. Speaker, I have been reminded by staff that the Costa Rican Government has not approved of these changes; but since they are merely side agreements, I guess that means it is on the side.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT), a distinguished member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, it is possible to enjoy the many benefits of trade extolled here tonight without having a race to the bottom on working conditions. It is possible to enjoy the benefits of expanded trade without endangering our environment. It is possible to enjoy trade without yielding our sovereignty by granting foreigners more legal rights than Americans will have under this agreement—special preferences that these foreigners can use to undermine our health and safety laws. It is possible to have a modern 21st-century trade policy, which recognizes that we cannot measure the benefits of trade solely on how many widgets move across the border while forgetting what happens to the workers and the air we breathe and the water that we drink.

But it is impossible to accomplish any of this when the negotiators for our side come from an administration that cares as little about workers in America as those in Honduras, an administration that views the environment as just something to exploit.

I am against CAFTA because, basically, I am against protectionism. I reject an administration that protects polluters, that protects corporate wrongdoers, that protects those who think that arrogance alone can represent an effective foreign policy. I am proud to stand with the NAACP and LULAC and the League of Conservation Voters and so many Americans, who say we need a new trade policy, not yet another failed foreign policy from a narrow-minded administration.

Mr. SHAW. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

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

Mr. Speaker, I think everybody knows. They have heard quite a bit this evening.

Trade adds growth, generates more jobs, and raises our standard of living. Passing CAFTA–DR will bring more of these benefits to our economy.

Let us be very clear: it will. This is a big deal for America.

We already have a trade agreement with the CAFTA–DR countries. It is just not good enough. It is only one way. Currently, 80 percent of their exports come into the U.S. duty free. In fact, about 5 years ago, 309 Members of this House voted in May of 2000 to unilaterally cut and eliminate our tariffs on their goods to help their economies. And I have the list, 183 Republicans and 126 Democrats.

Tonight, those same Members can now vote in favor of this trade agreement which will eliminate their tariffs on our goods and help our economy. And then when this agreement goes into effect, 80 percent of our manufactured exports and 50 percent of our agricultural exports will be immediately duty free. The rest will be phased out over 10 years.

I do not think we can ask for a better deal, and it is about time we evened the score. The facts are clear. CAFTA–DR is a great deal for America.

By the way, I have those results, if anybody is interested, of the vote 5 years ago.

□ 2200

Mr. RANGEL. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the esteemed Ranking Member from New York (Mr. RANGEL) for granting me this time.

I want to begin by saying, Mr. Speaker, that DR–CAFTA will give us more of the great sucking sound that we said NAFTA would accelerate, and, indeed, it did; 1 million more lost U.S. jobs, worsening squalor in Mexico, huge trade deficits with Mexico and Canada, as we predicted would happen.

I urge those who have been offered a deal tonight for your vote not to trade your conscience for a deal.

If you think about this, American icon companies leaving our country are—just a month ago, Brunswick Bowling Balls left Muskegon, Michigan, adding to this trade deficit, taking 115 more jobs; and then last week from Nashville, Louisville Ladder Group, 110 more lost jobs; and then this week a Kansas radiator company leaving announced it was leaving for Mexico. These jobs go to places where working conditions are abominable, as the gentlewoman from California (Ms. SOLIS) has so well documented tonight. Sweatshops rule the day.

CAFTA will fuel more such trade deficits as with Mexico, more illegal immigration as people, desperate, try to find some type of refuge north. We know illegal immigration has doubled just since NAFTA passed. We know CAFTA will increase drug trafficking, sexual harassment of women in the workplace. Environmental conditions will worsen. CAFTA will keep Central American workers in sweatshop conditions by rolling back enforcement provisions of the Caribean Basin Initiative, CBI. Indeed, the administration has cut the U.S. contribution to the International Labor Organization for child labor enforcement by 87 percent. What kind of commitment is that?

CAFTA will regress democratic reform in the countries where our Central American neighbors live.

Your conscience should not allow you to vote for this flawed approach that will bring lower wages and benefits, exploitation and hardship to individuals in our country and our sister nations, where full liberties do not exist. Our policy should be free trade among free people.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, today we have an historic choice to make. It is a choice to unite America and our partners in Central America and the Caribbean in the continued march for progress and democracy, or a choice that pushes them into the arms of Bolivarian socialism, the clutches of Venezuela's Hugo Chavez and Cuba's Fidel Castro.

Mr. Speaker, if we fail to pass DR–CAFTA, then we will potentially undermine the stability of our regional democratic allies across Central America and the Caribbean Basin. Worse, we will open the door for the Venezualan-Cuban alliance to fill the vacuum created by our failure to construct an economic security partnership with Central America and Caribbean democracies.

This weekend I had 300 pages translated for me to see what the people or the governments in Venezuela and Cuba were saying about this agreement. Castro and Chavez want to defeat CAFTA. I encourage my colleagues to go to the Web page, read the agreement between the President of the Bolivarian Republic of Venezuela and the President of the Council of the State of Cuba for the implementation of the Bolivarian alternative for the Americas. They have an alternative vision for Central and South America

and the Caribbean, and it does not include the United States. Read this agreement and see where they are headed. Read their documents. Venezuela, politics of oil and energy.

The sixteenth World Youth and Students Festival is going to meet in Caracas, Venezuela, August 7 to August 15. Here is what they have to say: Venezuela has the potential to become a center of resistance to imperialist intervention in Latin America. Holding the festival there will be a strong answer of the progressive youth of the world to U.S. imperialism designs to pacify working people in Latin America. Where has the youth conference been held before? In 1947 it was in Prague, 1949 in Budapest.

Now is the time to stand with our allies in Central America. In the war on terror, they have been there with us. Four of these countries have sent troops to Iraq. All six of these countries are part of the coalition to defeat terrorism. Build the relationships with these countries who have stood with us. This is a good agreement. Let us move forward, and let us vote ''yes'' on CAFTA.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from New York for his leadership on this issue.

Let me begin with an image the President of the United States laid out before us. In his inaugural address very close to where we stand today, the President said that we have the capacity as a superpower on this planet to change the world, to reform it, to make it a better and more democratic place.

I wish that with respect to this debate, I say to the gentleman from New York, that those same values and that same vision had been brought to the floor, because the reality is that, as one who believes an American power can make a difference, this agreement is a missed opportunity.

Instead of taking these nations that struggle so much day in and day out, instead of challenging them to move to a better place, we gave up and we accepted the status quo. And one of the cruelest and strangest arguments, I say to the gentleman from New York, that I have heard tonight is that somehow we are not standing by these countries if we defeat this agreement.

What a bizarre, upside-down world we would have, Mr. Speaker, if we think that we are standing by these countries when we are not standing by the millions of children between the ages of 5 and 14 who got up to go to work this morning, will get up to go to work again tomorrow morning. What a strange and bizarre world if we think we are standing by these countries when we cannot stand by the dignity of their women. And what a strange and bizarre world if we think we stand by these countries when we do not stand by their voiceless and by the people who work and who are shot down in fire because they speak up for their political rights.

For the Republicans and the conservatives who support this agreement, if you believe in what your President said, if you believe that the superpower has the capacity to help remake this world, then let it begin in Central America, and let it begin by pushing these nations to do better.

The final statement I will make is that this is a values statement. We hear the word ''values'' in this Chamber a lot. Well, the strongest value is what we take of our conscience and how we extend it to other people. A value is whether or not we push others to do better, and we fall short on the value scale tonight.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ), a valued member of the Committee on Ways and Means.

Mr. BEAUPREZ. Mr. Speaker, I thank the chairman of the Subcommittee on Trade for yielding me this time.

After what we just heard from the gentleman from Alabama, I simply have to respond. We had a meeting, we members of the Committee on Ways and Means had a meeting with the six economic ministers of these countries, and I have to tell the Members of this body that it was those ministers who sat in front of us and begged us, be our economic mentor, be our political mentor. Help us as developing countries to become like the great country of the United States of America. They held their hand out.

I have heard all night long about phantoms and ghosts and about how terrible things are going to happen if the United States of America, the greatest country on God's green Earth, would not reach out and grasp a hand that is reaching toward us. How in the world can we leave an empty hand? How can we spit in that very hand and say, no, you are not worthy somehow to participate in the freedom, in the dream that we as United States citizens have?

It says right up there, ''In God We Trust,'' and we ask God to bless us, and God has blessed this Nation. We are the greatest Nation on God's green Earth, and it is nations like the United States of America that are good neighbors. This is a good neighbor trade agreement. Neighbors help neighbors. This is a chance to do the right thing.

Mr. Speaker, I have heard all night long, I have heard all night long about the horrors that are going to happen. You can go looking, when you get up in the morning, you can go looking for reasons to not do something. I was raised by a guy who got up in the morning and looked for reasons to do something, to show up.

This is a bill, this is a trade agreement that allows us to do the right thing, to do the right thing for American workers, because the day it is signed, $1 billion worth of tariffs, like an anvil around their neck, goes away.

I was in the farming business. I know what competitiveness is about. This will make our workers more competitive. This is good for America, and good for our friends in Central America. Let us support CAFTA. Let us do the right thing.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I have voted for every trade agreement, I say to the gentleman from California (Mr. THOMAS), that has come before this Congress; all the ones that have been listed tonight. I was not here when NAFTA passed, my dad was, but I probably would have voted for it had I been here. Large employers and others in my district and farmers all across my State benefit when markets are open.

But I ran into a problem not long ago. I was traveling through a little area, and, as a matter of fact, the son of this mayor in Crossville, Tennessee, came to me today, Mayor Graham's son, and I ran into a lady who was there with her daughter and granddaughter. Now, the grandmama had just lost her job from a little company called Mallory in Crossville. She is about, almost 60 years old. The daughter is a middle school teacher, eighth grade teacher, and the 11-year-old granddaughter is going to sixth grade.

I felt bad for the grandmother, and I felt okay for the mom, because she had a job. The grandmother worked almost 30 years. But I felt worse for the 11-year-old, because I think about all of these trade agreements and trade policies, and I got to tell you, I like the idea of us being able to sell goods anywhere.

I come back to what the gentleman from Idaho (Mr. OTTER) said a little while ago here. I do not know what to tell the 60-year-old grandmother anymore, because I used to tell them that jobs would be created once we did these things, but she lost hers. She is past her prime, so where does she go? Does she move to India, China, Singapore, Canada, Mexico? I doubt it. The daughter at least has a job. But the granddaughter is 11 years old, and we did not have a national strategy to teach her math, science, or any of the essentials that she needs to learn to compete in a global society.

President Clinton, who supported all of these trade agreements, at least had an investment agenda that accompanied his trade policies. We have neither now.

The challenge before this Congress this evening is not whether we pass this trade bill in the interests of some of my dear friends in the financial services and in the computer and IP industries and entertainment industries; the question we have tonight is, what are be doing for the 11-year-old girl? Sure, we can produce movies here in town, but will we be producing it here? Sure,

we can make things and have the capacity to do it, but will we be making things here?

I ask my colleagues, as somebody that supported you all the time, I say to the gentleman from Florida (Mr. SHAW), how do we answer that 11-year-old granddaughter in Crossville, Tennessee?

I will vote ''no'' on CAFTA this evening.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a distinguished member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is how we answer that little girl. We tell her the world that she is going to work in is going to be a world in which there will be better labor laws better enforced.

For the very first time ever, the International Labor Organization spent 1 year working with these countries to upgrade their labor laws, and, everyone agrees, their labor laws meet the core standards of the ILO. For the very first time ever, the ILO is going to be the enforcement mechanism to see that those laws are enforced as enforcement is always the weakness. Always the weakness.

Many of you voted for the Jordan Free Trade Agreement. Many of you voted for the Moroccan Free Trade Agreement. Not nearly as good of a body of laws in those countries, and the enforcement was: You must be making efforts towards; you must be striving to enforce. In this labor agreement, in CAFTA, the ILO will come in and review every 6 months and publicly report every 6 months: Are you implementing the plan?

Now, they have written the plan. You can see whether they will have implemented the plan, because it is laid out, how many inspectors, and so on and so forth. It is all detailed. They will be accountable for implementing those plans.

Those Presidents whom we met with were proud that they are upgrading their labor law and upgrading their enforcement. This is capacity-building. The very first Free Trade Agreement or trade agreement that focuses on capacity-building, building the ability of departments of labors within these governments to enforce domestic labor law which meets international labor standards, and the International Labor Organization is going to be there to oversee it, and we are putting money behind it. We are, and others are.

This is a unique labor agreement. It really, really pains me that there is so much ignorance about the details of this agreement. You sit with the people who negotiate an agreement, you sit with the economic ministers, you sit with the Presidents, and you get a concrete, tactical sense of the tremendous strides they have made through the agreement to improve new labor laws and enforcement capacity. This is not status quo; this is going to change their world and protect their workers.

□ 2215

Now, if in addition you care about fair trade, and you want to walk the walk of fair trade and not just talk the talk, then you better remember, their goods come in, no tariffs, no duties, no nothing into our country.

Do you not think our guys deserve the same right? To me that is fair trade. Level the playing field. Our products should have the same access their products have. And their people deserve the same respect our people do. They do not deserve a double standard.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY) for purposes of correcting the record.

Mr. KENNEDY of Rhode Island. Mr. Speaker, just to answer the lady about walking the walk and talking the talk, this administration and this Congress just cut child labor enforcement around the world by 87 percent in our dollars that we contribute to the international labor organization.

So on the one hand for people to say that we are really strengthening labor law, but on the other hand not putting the dollars behind it to make sure children are protected to me does not sound like we are walking the walk that we are so talking the talk.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the DR-CAFTA agreement. And I stand here supporting it from a district that has a pretty significant portion of organized labor, and a district that has a pretty significant portion of manufacturing.

Many of my colleagues who support this agreement are from very similar districts. One might wonder why, if one has been listening to the arguments from the other side of the aisle all night. But one does not wonder why if one made the phone calls into the district like we have been making over the last several months, talking to employers about this agreement.

And what we have learned was that companies employing from 12 to 600 are excited about this. American companies with American employees, many of them organized labor, are excited about this agreement. And why? Because they have a very difficult time getting their products into Central America as it is today.

That is because there are very high tariffs on our products going into Central America. Right now Central American countries have very little, if any, barrier getting their products into the United States. It has been that way for 20 years. But one of the best ways we can help move them forward is to get our products into Central America.

Partially because a lot of their industrial development needs to be advanced, and we have the products to help them do that. How to raise their standard of living? Certainly raise their quality of manufacturing. Raise their opportunity to sell quality goods, give us the opportunity to help them do that.

Interestingly enough, the arguments we hear do not seem to make any sense; they are very circular. We have to oppose this because we will hurt Central Americans, but we have to oppose this because we will hurt Americans. Neither of those arguments holds water.

This agreement is good for Central America, it is good for the United States manufacturing, and I urge my colleagues to support it.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, tonight we stand on the precipice of doing something great for America. And I think we ought to pause for a moment and ask the question: What would the American people want us to do here tonight?

Well, I am here to tell you what I think the American people want us to do. The American people who are watching television tonight, they are hoping with their fingers crossed that finally, finally the Congress will stand up for America.

We stood up for Morocco, we stood up for Singapore, we stood up for China, for India. Now we are about to stand up for the nations in Central America. America is saying, when are you going to stand up for us, the workers, the backbone of America?

This CAFTA is fraught with weaknesses in terms of labor rights all throughout. Ever since we have had our trade agreements, just over the past 10 years we have lost 3 million jobs, manufacturing jobs. We have lost 2½ million jobs to China, to India in servicing.

I say to you tonight, stand up for America and America will be very thankful and very proud that we did. Vote ''no'' on CAFTA. Let us send it back, and let us fix it.

Trade agreements must benefit both workers and corporations. CAFTA benefits corporations but does not benefit workers. CAFTA fails to include adequate protections for workers. In fact, the U.S. State Department has documented numerous areas where CAFTA countries failed to comply with even the most basic minimum labor standards and worker's rights.

CAFTA will cost American jobs and this is the Achilles' heal in our approach to trade agreements which I find most disturbing. Were sending millions of jobs overseas and manufacturing plants are closing in America because of our trade policies. In the *last 10 years, we have lost 3* million manufacturing jobs and nearly 1 million financial services and call center jobs to China and especially, India because of our trade agreements.

CHINA & INDIA ARE EATING OUR LUNCH

We must fix this ''outsourcing of American jobs'' problem in this CAFTA bill before we move forward with it. During one of our Financial Services Committee hearings, I asked Federal Reserve *Chairman Alan Greenspan* what he thought was the big threat to the American economy and he said the 'loss of

jobs, the loss of skilled jobs." We are lossing too many American jobs to overseas foreign markets and we are not investing in retaining, retooling our workforce for the technically skilled jobs of the 21st Century.

Finallty, we need to ask ourselves how the American people want us to vote on CAFTA tonight. All over the country, they are watching us to see what Congress is going to do. I am there to tall you that the people of America wants us to stand up for Americans, for change. In our trade agreements, they want us to keep American jobs in America, to protect workers' rights protect the environment, and stop out sourcing jobs to other countries.

Vote "no" on CAFTA so that we can go back and fix this imbalance. We can do this and still keep trade benefits for American corporations.

To night, let's stand up for American. Ladies and Gentlemen vote "no" on CAFTA.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, I have got a lot of emotions running through me tonight. I represent a sugar area. But more important than that, I come from a sugar family. My three sisters and I owe our education and our families and our success to an industry that has been around in Louisiana for 225 years.

It is an efficient industry. It is a good industry. It is the same hard-working people that get up in the West and get up in the East and get up in the North every morning. They are no different. They have just been attacked by the big multinational corporations, and you keep falling for it. NAFTA was horrible.

We were lucky, we had a side letter. We are still negotiating sugar 10 years later. I do not see any benefits for workers, for sugar people. We have given away textiles. We have given away steel. We have given away fruits and vegetables. Now let us just go ahead and give away everything and be dependent on every other country for our food and our defense.

Mr. SHAW. Mr. Speaker, I would remind the gentleman in the well that the vast majority of our agriculture community vigorously supports this bill.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I represent one of the richest agricultural districts in the world in Northern California, in the northern Sacramento Valley. And this CAFTA agreement will create important new export opportunities for the Northern California farmers and ranchers I represent.

Three nations have already ratified this one-of-a-kind agreement. However, if this enacting legislation fails, the prospects of approving any similar agreement for the Central American countries fail as well.

Placed in a broader historical context, in May of 2000, I joined 308 of my 435 colleagues in lowering or eliminating completely the tariffs on products entering the U.S. from CAFTA nations. At the time there was no reciprocal treatment, and our U.S. products continued to face high tariffs in CAFTA nation markets.

The ratifying bill now before us will immediately zero out tariffs on 50 percent of U.S. agricultural products exported to the region, with the remaining scheduled to be reduced and eliminated over time.

This is vitally important to all U.S. agriculture, especially in my home State. California produces 350 different agricultural commodities and is America's largest agricultural exporting State. When fully implemented, it is estimated that CAFTA could help boost U.S. agriculture exports by $1.5 billion.

I firmly believe trade must be a two-way street. Currently, our Nation's agricultural exports like rice, almonds, pistachios, and dried plums, grown in my district, face average tariffs of 35 to 60 percent.

As I previously stated, we already allow 99 percent of CAFTA nations' imports duty free. Mr. Speaker, CAFTA will level the playing field for American agriculture and will help producers from California and other States gain valuable new export opportunities. I urge my colleagues on both sides of the aisle to approve this measure.

Mr. RANGEL. Mr. Speaker, I yield 1 minute the gentleman from Ohio (Mr. KUCINICH), a former Presidential candidate.

Mr. KUCINICH. Mr. Speaker, the average hourly earnings of U.S. manufacturing workers was $16.01 in March of 2004. The average hourly wages for Honduran workers producing goods for the U.S., 90 cents.

CAFTA is about institutionalizing cheap labor. Multinational corporations want trade agreements where they can make a profit by closing factories in the U.S. and moving jobs to places where workers have no rights and work for very low wages. Cheap labor.

Now, I have traveled across America. And I have seen the effects of agreements like NAFTA and CAFTA: padlocked gates of abandoned factories, grass growing in parking lots of places where workers used to make steel, used to make washing machines, used to make textiles, used to make machine parts.

Free trade has meant freedom for the American worker to stand in the unemployment line while their jobs were traded away. So-called free trade has brought broken dreams, broken homes, broken hearts to the American manufacturing worker. Trade without equity is tyranny. Trade without economic justice is theft. Trade without integrity, without workers' rights, without human rights, without environmental principles is not worthy of a free people.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding. As a mill worker at Great Northern Paper Company for over 30 years, I rise in strong opposition to CAFTA. Two days after I was sworn in as a Member of Congress, I learned that the very mill that I worked at, that my dad worked at for 43 years, my grandfather before him for 40 years, filed bankruptcy and was shutting down.

The reason? Unfair trade policies that have devastated our industry. Job loss is something that we Mainers know all about. In Maine, in the wake of NAFTA, we have lost 23 percent of our manufacturing base in the last 3 years alone. The unemployment rate in certain areas is over 30 percent.

CAFTA takes most of the language right out of NAFTA. It only has promises of more job losses. Business organizations, family farms, church groups, Republicans and Democrats are united in opposition to CAFTA.

I ask my colleagues tonight, do not sell the American people out for some back-room deal. Our workers deserve more.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, there are many reasons to oppose the CAFTA–DR deal. But I want to talk about one reason that has not gotten much attention, the inclusion of tobacco products.

Mr. Speaker, tobacco is a unique commodity, killing millions of people around the globe each year. Trade agreements are supposed to benefit consumers by spurring competition and reducing prices for beneficial products such as wheat, computers, and auto ports.

While increased trade may offer a range of benefits for exporters and importers alike, these benefits do not apply to tobacco products. Reducing tariffs on cigarettes, other tobacco products, or removing public health measures that may run afoul of trade agreement's rules on non-tariff barriers is going to result in increased smoking rates, needless preventable deaths, and disease. That is a fact.

Tobacco products were excluded from the tariff schedules in the U.S.-Jordan and U.S.-Vietnam free trade agreements negotiated under the Clinton administration.

□ 2230

This administration has done an about-face including tobacco products in the U.S.-Chile agreement at the behest of Philip Morris. This unfortunate turn of events should not be repeated. I urge my colleagues to reject the CAFTA-DR trade agreement. It is bad for workers, it is bad for the environment, and with the inclusion of tobacco products, it is bad for health.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

We have talked about a lot of different issues tonight. Let me tell you what it is all about, how it hit home with me. Stephen Felker, Avondale Mills, Graniteville, South Carolina, textile manufacturer, asked me to coming down Monday to his factory to look around, and we did. We had a wonderful tour. He showed us around, and I was on the floor taking a tour and happened to see a gentleman behind one of the weaver machines. Roosevelt Mims. This was not a staged event or anything like that. I just happened to see Roosevelt behind the weaver there.

I walked up to him and said, I am Congressman BARRETT. What is your name? He said, Roosevelt Mims. I said, Roosevelt, how long have you been working with Avondale Mills? He said, 36 years. His supervisor came over and whispered in my ear, he said, 36 years, Congressman, perfect attendance.

Roosevelt Mims is the heart and soul of this whole debate, a textile worker in Graniteville, South Carolina; a textile worker in Graniteville, South Carolina that a good CAFTA is going to save.

I do not know about you, but at the end of this debate, I am going to vote for CAFTA. I am going to vote for Roosevelt Mims, and I urge my colleagues to do the same.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the outstanding gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me time.

Almost 2.8 million American manufacturing jobs have been lost since President Bush took office in 2001. These were good jobs with good wages, and they have been shipped overseas to countries with cheap labor. CAFTA will export even more American jobs, but it will do nothing to improve wages and living conditions in Central America.

CAFTA is not about free trade at all. It is an outsourcing agreement. It allows profit-hungry corporations to ship American jobs to impoverished countries where workers can be forced to work long hours for little pay and no benefits. It is a bad deal for Central American workers, and it is an equally bad deal for workers here in the United States.

I ask my colleagues who are thinking of voting in favor of CAFTA, how will you tell poor workers in Central America who are trying to organize labor unions and demand living wages that you voted for this agreement which does not require their governments to respect human rights or comply with international labor standards? How will you go home to your constituents and tell them you voted to export their jobs overseas? How will you tell working families in your district that you care more about corporate profits than workers wages?

I request Members to vote no on CAFTA.

Mr. RANGEL. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. RANGEL) has 7 minutes remaining. The gentleman from Florida (Mr. SHAW) has 6 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 1 minute 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, the reason we do not have enough time is we have so many speakers; but when people talk tonight about how CAFTA will help us with immigration, obviously this side voted for NAFTA, and we have had a bigger problem with illegal immigration, people who are looking for work, coming to this country.

I was in Michoacan in February and saw villages that were 60 percent depopulated because they had no opportunity to work, and that was 10 years after NAFTA. Just wait until 10 years after CAFTA. It is outrageous that we are trying to sell this as a benefit to the American worker.

The ILO is a weak sister compared to even our laws, and in this case if a country in Central America or Dominican Republic does not enforce their laws, they pay themselves a fine. Come on now. This is so outrageous, I cannot believe we even have it on the floor.

To say we are worried about Venezuela the way we are worried about Cuba, do not sell it on that. Sell it on that we are really friends with Costa Rica and Nicaragua and Guatemala and the Dominican Republic. Say we are friends with them, and let us make sure they have a decent standard of living.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the distinguished 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, there is a dump in Nicaragua where 700 adults and children pick through fields of rotting garbage for scraps of food, metal and plastic to eat and sell.

I want the American people to know that this is the trade agreement, 3,600 pages, 3,000-plus pages; not one statement is in this document that talks about protecting American jobs. Not one statement is in here that confirms that the language in the laws of labor in these particular nations refers to the children age 5 and 14 to work that are working in these dumps, that are picking up the trash in these dumps.

There is no language in here about creating American jobs. There is no specific language in here that talks about the language of labor laws that would protect the children from these dumps.

I say to you out of 3,000 pages, do you not think America deserves one line protecting their jobs? Do not you think the children of Central America deserve one specific line about keeping them from the damages of a dump in Central America?

Vote against CAFTA. It does not protect American jobs, and it does not protect children.

Mr. Speaker I rise in opposition to CAFTA though not without reservation. Increased Economic, social, and political ties with Central America are noble goals and ones for which we should strive. However, the facts behind the crafting of DR–CAFTA suggest that this is an irresponsible and rushed trade agreement.

I can support an agreement that serves to support the interests of all parties at stake. By this standard, I have based my previous votes on free trade agreements, and by this standard I have decided to vote against CAFTA. While I do not doubt that several parts of the US economy will benefit from passage of this bill I shudder at the repercussions that will face many of our manufacturing industries.

Increased trade with this region will lead to an increase in economic exchange and probably to overall job growth. I also recognize that overall job growth as a result of NAFTA in all likelihood exceeded job losses. However, trade agreements should not be judged by job loss and creation statistics alone. CAFTA will undoubtedly create more opportunities for exports to Central America and will produce more wealth, but where does that wealth go? Thousands of hard working Americans will lose their jobs under CAFTA. Will they benefit from the increased trade with Central America?

The problem with wealth created through free trade agreements is the high probability it will not reach the average worker. The example of NAFTA proves this point. Some economic gains in both the Untied States and Mexico have made from NAFTA, but there is scant evidence as to the improvement of the livelihood of the average worker. The fact of the matter is that NAFTA has lead to neither improved working conditions in Mexico nor a windfall for higher paying jobs here in the U.S. Instead it has lead to more employer who pay their employees 5 dollars per day. There simply has not been enough effort on the part of the US or the Mexican government to ensure that the poor and middle classes benefited from the accord.

Trade agreements should be implemented to increase the standing of both nations and help both all people. We must guarantee the protection of rights and wellbeing of the poor. Without this guarantee, we can not nor we will we make strides in fighting poverty. In the words of the Great Cesar Chavez, ''What is at stake is human dignity. If a man is not accorded respect he cannot respect himself and if he does not respect himself, he cannot demand it.'' When the lower classes have no power or support, they cannot stand up and fight for themselves. Poverty reduction must be a key factor in all trade agreements.

The United States does not see such indept poverty. I have been to Honduras and Guatemala and have seen the pain and suffering of the masses. In Guatemala, over 75 percent of the population lives below the poverty line. In Nicaragua, the GDP per capita is $2,300. This sort of endemic poverty is far too common in

the region. At the ''La Chureca'' (La—Chew-RAKE-aa) dump in Managua (mun-A-gwa), Nicaragua (knee-ka-Rah-gwa) about 700 adults and children pick through fields of rotting garbage for scraps of food, metal, and plastic to eat and sell. For these residents, the dump is home—one laden with disease and danger, broken bottles and old tires, cardboard-and-tin shacks, grazing cattle, circling buzzards, screeching bulldozers and smoke that often obscures the sun. This is poverty on a level most Americans have never seen.

In order to fight this poverty, we must be committed to a comprehensive plan to help the poor. I would like to think that free trade agreements would alleviate poverty in third world nations, but unfortunately, the facts prove otherwise. Conditions in Mexico over the past 10 years demonstrate this fact quite succinctly. Since the passage of NAFTA, environmental problems along the border with Mexico have worsened, drug trafficking and violent crime in the border regions have increased, and violence against women has intensified. Ten years ago, there were few reports of rape and kidnappings of women in northern Mexico, today they are wide spread. These are not the indicia of progress.

In order to ensure progress, we must establish a system of improved standards in education, labor, and environment, among others. In this regard, the DR–CAFTA fails drastically. The DR–CAFTA does not have sufficient labor protection provisions. This omission of labor standards will result in the continuation of awful and unconscionable labor conditions for both adults and children. What concerns me most is the use of child labor throughout the region. Child labor is an activity that must eradicated from of all comers of the world. The DR–CAFTA contains no provisions that would prevent or alleviate the use of child labor. The DR-CAFTA fails to enforce international labor standards set by the International Labor Organization. This will result in the continued use of child labor in the fields and factories of the signatory countries. With this agreement, many will make money on the backs of Central American children, literally. These Children will be our beast of burden. I cannot accept an agreement that allows others to increase their profits margins on the backs of children. These children should be in school getting educated, not toiling on a farm for 5 dollars a day under the hot Central American sun.

It seems clear to me that under the current system of ''free trade to fight poverty,'' sufficient resources are not being used to help the poor. Businesses are often more interested in the bottom line then the bottom of society. Foreign governments are often far too eager to invite these companies into their nations. This is not the best manner to help fight poverty in the 3rd world. In order to fight poverty, we must insist on the resources used to protect the poor, not exploit them. We must insist on better labor and environmental standards in order to ensure that the poor also benefit from free trade agreements. Fair trade should be our paramount concern.

Supporters of the bill have claimed that its passage is imperative for Central America and will be mutually beneficial to all parties. They also argue that since 80 percent of goods from the DR-CAFTA countries already enter the United States duty free as a result of the Caribbean Basin Initiative and on that basis we have no reason to fear job exportation to the region. They argue that if job exportation was to happen, it would have occurred all ready. Yet, they also argue that passage of the DR-CAFTA is imperative for Central American economies to succeed. It seems to me that while they use the 80 percent duty free number to quell fears of job exportation, they somehow forget it when they talk of the necessity of the agreement for Central America's economies. If the DR-CAFTA countries already import 80 percent of their goods duty free then they have already received most of the benefits of a free trade agreement!

I am not opposed to allowing Central American nations to import many of their goods duty free. I believe that this number, 80 percent duty free importation, is a good number because it was designed to help alleviate poverty in the region. It has succeeded in doing so. Central America is far better off today then it was 20 years ago. Yet, this duty free access also means that it is not imperative for the US to pass this legislation. Since these countries already import 80 percent of goods duty free, the remaining 20 percent will not have such a dramatic effect. The USTR should have taken the success of the Caribbean Basin Initiative and used it to negotiate a fair and balanced trade agreement. Clearly, passage of this bill is not imperative to the economic well-being of Central America. So why were the USTR and the Bush administration so hasty in forcing execution and enactment of this agreement? Because of the success of the Caribbean Basin Initiative, we have the leeway to send this agreement back to the Bush Administration and ask that it not return until it has an agreement that genuinely benefits the poor and marginalized sectors of society both here in the United States and in Central America and the Dominican Republic.

The DR-CAFTA is not a fair trade agreement. It is a mechanism to support business interests in the United States and Central America. In the United States, we have sufficient labor standards to accommodate business interests. Over the past 200 years, the labor movement in this country has fought diligently to provide us with these protections. In Central America, these safeguards exist on paper, but not in practice. When we submit to special interests in this situation, we forfeit work protections. Therefore, we must insist that our trade agreements contain more then an expansion of business interests, they must contain provisions that expand social and justice interests. We must ensure that trade agreements benefit all of the people, men and women, young and old. This agreement fails to meet these standards and therefore should not be supported.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I do not profess to know everything that CAFTA is going to do, but I do know that when I wake up in the morning, my congressional district has lost more than 150,000 good-paying manufacturing jobs. I know that we make candy. We make a lot of it. We used to be called the Candy Capital of the World. But my candy makers are leaving because the price of sugar is too high.

I was told and I was hoping that CAFTA would help reduce the price of sugar for my candy makers. It will not. Therefore, there is no reason for me to vote for CAFTA, and I shall not.

Vote no for CAFTA.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I am about to cast my first vote ever against a trade agreement. While this has very little impact overall in the United States economy, it is very important for the direction of our trade and economic policy. Are we going to continue to parcel out piecemeal agreements? When pushed, are we going to cut side deals and understandings like we have done of late with citrus and steel and textiles and sugar? Are we going to fail to own up to our own agriculture subsidies?

We do not do a very good job in this country anymore enforcing our own labor laws. I am no longer interested in one more suboptimal agreement. Because it has such a small impact, there is no excuse for not advancing workers and their environment at home and abroad. There is no reason to settle for this agreement, and I urge its rejection.

Mr. RANGEL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Speaker, I have supported trade agreements that have come through this body since I have been here, but this one falls short. I stand in opposition to the legislation.

Mr. Speaker, I rise today in reluctant opposition to the implementation legislation for the Free Trade Agreement with the Dominican Republic and Central America, known as DR–CAFTA.

Throughout my service in the U.S. House, I have supported policies that encourage export promotion because exports can play an important role in strengthening our economy. But our economic policies must work to build the American middle class by investing in education, training and health care for working families as well as expanding access to new markets for our products. Our trade policies must lift living standards in other countries whose workers will compete for American jobs. If American workers are forced to compete with workers from countries without a growing standard of living, the race to the bottom will lower the economic opportunities and quality of life for everyone. I firmly believe that America must exert our global economic leadership to promote democracy and economic growth, but that engagement must be matched with a commitment to empower middle class Americans to compete and win in the global economy. We can do better than this DR–CAFTA, and we must.

First, as a member of the House New Democrats Coalition, I have worked with administrations of both political parties, including the Bush administration, to promote policy for sound economic growth and a growing middle class. I have met with business leaders and officials from each of the DR–CAFTA countries, and I recently traveled to visit Honduras

and El Salvador to see for myself the conditions of these trading partners. Although I want to help the peoples of the DR–CAFTA countries to secure their democracies and build economic opportunities, this free trade agreement fails to erect the conditions necessary for those goals. For example, in Honduras, I saw oxen pulling carts as a primary means of industrial production and impoverished workers struggling to eke out a meager living. Without strict, enforceable labor standards, these workers will suffer exploitation of market forces without enjoying any upward mobility. I also want to see our trading partners make the kind of commitment to education and infrastructure that we have in the U.S. that has provided us the foundation for our economic growth and rising living standards for our people.

Unfortunately, this DR–CAFTA represents a step backwards in strengthening labor standards, and thereby standards of living, abroad. Specifically, DR–CAFTA is a step back from the progress made in the Jordan Free Trade Agreement and even the rules under the Generalized System of Preferences, GSP, and the Caribbean Basin Initiative, CBI. America must maintain our global economic leadership and be a force for rising living standards with all of our trading partners so that broad-based economic growth creates sustainable markets for American goods and services. The countries of the DR–CAFTA accord possess some of the world's worst records for workers' rights, and this DR–CAFTA not only fails to correct this glaring problem but reverses progress made in previous trade agreements to raise labor standards abroad.

It is also important to note DR–CAFTA's weak environmental enforcement provisions. Although the agreement contains important protections for intellectual property that are subject to dispute resolution, it fails to include adequate enforcement of environmental protection, which will put American companies at a competitive disadvantage with companies in the DR–CAFTA countries. In fact, what language DR–CAFTA does contain on environmental protection and improvement of standards is explicitly excluded from dispute settlement under the agreement, rendering it meaningless. Previous trade pacts, such as the Jordan Free Trade Agreement, contain strong labor and environment provisions, and DR–CAFTA should as well.

Finally, the vote on DR–CAFTA comes at a time when the Bush administration economic program has reversed years of progress in building a thriving middle class. Instead of making critical investments in education, training and health care so working families can compete and prosper in the global economy, the administration is cutting these vital initiatives. Specifically, this administration and Congress have shortchanged our schools $39 billion they were promised in order to comply with the No Child Left Behind education reform law. And last month, the House passed an appropriations bill with devastating cuts in needed efforts for education, Trade Adjustment Assistance and other job training, and rural health care. In the global economy of the 21st century, working Americans can compete and win only if they are equipped with the tools to make the most of their God-given abilities. We need an economic policy that helps middle class families, those striving to get into the middle class and those struggling to stay in the middle class.

In conclusion, I will vote against DR–CAFTA because it is a missed opportunity to help our neighbors in the Dominican Republic and Central America and put America back on the path to a growing middle class.

Mr. RANGEL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. ENGEL).

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

Mr. ENGEL. Mr. Speaker, I rise in opposition to the bill, which will hurt workers and cost jobs.

I am opposed to the Central American Free Trade Agreement (CAFTA), because if enacted, it would have severe economic and social consequences.

CAFTA virtually turns back the clock on labor and environmental standards.

Many factory workers in Central America are underpaid and overworked, and CAFTA's weak labor provisions will not effectively force the Central American governments to enforce their labor laws.

If CAFTA is enacted, goods produced by industries that overwork their labor force and abuse the environment will have an unfair advantage over products manufactured in the United States.

Additionally, CAFTA threatens the livelihood of U.S. sugar producers and refineries, including Domino Sugar in my district in Yonkers. CAFTA would open the U.S. market to sugar from CAFTA countries which need not comply with the robust U.S. labor and environmental protections.

Thousands of people in Central America have protested against CAFTA. These people worry about their jobs, their health, and their families. They deserve an agreement which would improve their livelihoods and promote economic stability.

I would prefer to see reasonable, fair trade agreements which contain adequate labor and environmental protections with our Latin American neighbors.

Mr. Speaker, I have supported free trade agreements in the past when there have been adequate labor and environmental standards. But CAFTA does not measure up.

I believe CAFTA would not serve the best interests of the nation, and I urge my colleagues to vote no.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to a gentleman from California (Mr. FARR), who was a Peace Corps volunteer in South America.

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

Mr. FARR. Mr. Speaker, I want to ask this body what is the rush? There is no need to adopt. There is no deadlines on this agreement. Three of the six countries have not even ratified it yet. I think when we are trying to do a trade agreement, we have got to do the best that America can do.

The richest country in the world is about to enter into a trade agreement with the poorest countries in the Western Hemisphere so that we can open up nontariff issues. They send us goods without tariffs. Yes, we do not grow bananas in the United States or guanabana or platano, but we want to send them our goods so that people who are earning $2 a day can buy Two Buck Chuck.

Come on. America, can do better. You cannot have fair trade until you have basic aid. You cannot have a middle class without having schools and water and sewers. There is nothing in here; even the Millennium Fund that the President introduced, a good program, underfunded it to these countries.

You have got to build up countries so that they have a faith in themselves before they have the opportunity for a middle class. We can do better, America. Congress, put this over. Vote against it.

Mr. SHAW. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I have been listening to particularly the last few people who have gotten up, and they talk about how they support free trade, but they cannot support this agreement. And I ask why. This is the strongest trade agreement we have ever had, it has the best labor standards of any that we ever had, and they voted for the others, and they cannot vote for this.

Mr. Speaker, we already have free trade. The problem is it is free trade from the CAFTA countries into the United States, not from the United States into the CAFTA countries. Now we want fair trade. We want to have the same privacy for American workers and American business, American farmers that the CAFTA countries have by having access to our markets. How can one be against that, particularly when these other countries are behind it?

We even put capacity building into this agreement so that we are assisting these countries in enforcing their own labor laws, and we put more enforcement money in this for our being able to enforce those labor laws and keep watch over these other countries.

This is a strong agreement. It is a strong agreement. But let us look at something else. The President was up here on the Hill yesterday talking to the Republican Members, and he made a statement that I think all of us can agree to, and that statement is that family values do not end at our border. And he is absolutely correct.

We know right well that any of us here as a mother and a father, that if our children are hungry, we are going to find a way to work. And so many of these countries now send their workers north into the United States, most of them illegally. We want to build jobs at home for them, permanent jobs, good jobs, and at the same time we would be able to use our markets to get to supply them.

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If you get a pair of blue jeans made in Honduras, it is 70 percent American content. These jobs that go to China, if those sewing factories move out and it goes to China, those same jeans are 1 percent American content. So we know that American workers, American jobs will benefit from this type of agreement. And it brings wealth into our

hemisphere. Right now, in Nicaragua, the average salary, the average pay for a worker is somewhere less than $800 a year. This will help.

Politically, let us talk about it. What is going on down there politically and what will happen? We are going to be driving these countries away that are looking towards us. They are all looking north. They have democracies now, they are capitalistic systems, and they are working towards being a part of this hemisphere. And my colleagues want to kick them in the teeth? They are also supporting us in our war against terror in Iraq, and that is not an easy lift for all of these countries, I can tell you that.

This CAFTA agreement has been endorsed by a number of groups, and I would like to put their endorsement in the RECORD at this time. Former President Jimmy Carter, the American Jewish Committee, and B'nai B'rith, they have all endorsed this agreement. We have also enjoyed the endorsement by many of the newspapers, including The Washington Post and the New York Times, the Miami Herald and the Orlando Sentinel.

This is a good agreement. It is good for America, so let us vote for it.

Mr. Speaker, I submit herewith for the RECORD the letters of support I just referred to:

Hon. BILL THOMAS,
Rayburn House Office Building,
Washington, DC.

JUNE 8, 2005.

TO REPRESENTATIVE BILL THOMAS: As you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective, this will help both the United States and Central America.

Some 80 percent of Central Americas exports to the U.S. are already duty free, so they will be opening their markets to U.S. exports more than we will for their remaining products. Independent studies indicate that U.S. incomes will rise by over $15 billion and those in Central America by some $5 billion. New Jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill particularly on the labor protection side, but, more importantly, our own national security and hemisphere influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion or democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights at a time when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There now are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the presidents of each of the six nations had to contend with their own companies that fear competition with U.S. firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the U.S.

For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward and to help those leaders that want to modernize and humanize their countries. Moreover, strong economies in the region are the best antidote to illegal immigration from the region.

I appreciate your consideration of my views and hope they will be helpful in your important deliberations.

Sincerely,

JIMMY CARTER.

THE AMERICAN JEWISH COMMITTEE,
New York, February, 2005.

Hon. ———,
House of Representatives
Washington, DC

DEAR REPRESENTATIVE: We are writing to express our deep support for the free trade agreement between the U.S., the Dominican Republic and Central America. (DR–CAFTA). The American Jewish Committee has been actively involved in Latin America for many decades, promoting democracy, the rule of law and respect for human rights. We actively support free trade—and therefore DR–CAFTA—as a tool to generate sustained development in the region and as a contributor to long-term potential and strategic cooperation between the United States and some of its closest neighbors.

We believe this historic pact makes sense for various reasons. Once in force, DR-CAFTA will become the U.S. second largest free trade agreement after NAFTA. As such it will surely contribute much to generate economic prosperity by securing increased trade and investment flows and thus better opportunities for the improvement of living standards for all of the people in this region who only two decades ago were immersed in civil wars. In addition, it will strengthen the ties between the U.S. and the Central American nations as key allies in the fight against narcotics and terrorism.

As an organization committed to U.S leadership in world affairs and as a friend of the Dominican Republic and the Central American nations, we urge you to support this important agreement which stands out as a shining example of our country's commitment to bolstering democracy and promoting stability in Latin America and elsewhere. It represents, undoubtedly, a joint investment in a more vibrant future for our countries and for the hemisphere at large.

We thank you for your consideration of our views.

Sincerely,

E.R. GOODKIND,
President,
American Jewish Committee.
BRUCE RAMER,
Chair,
Latino and Latin American Institute.

B'NAI B'RITH INTERNATIONAL,
Washington, DC, July 27, 2005.

Hon. KEVIN BRADY,
House of Representatives, Washington, DC

DEAR REPRESENTATIVE KEVIN BRADY: On behalf of B'nai B'rith International's more than 110,000 members and supporters, we write to urge your vote in favor of the Central America Free Trade Agreement. (CAFTA). B'nai B'rith, which has members throughout Latin America, strongly encourages the passage of CAFTA, a trade agreement with the Central American nations of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, as part of a broader support for democracy and economic stability.

B'nai B'rith, an organization with a long history of involvement in Latin America and a registered NGO member of the Organization of American States, views CAFTA as a positive step in the U.S.-Central America trade relationship, one that will greatly help the economies of Central American nations and bolster democratization in the region. As we believe that the spread of democracy is essential to the advancement of human rights worldwide, we feel that CAFTA will produce lasting and far-reaching benefits.

B'nai B'rith further recognizes the significance of the decision by Costa Rica and El Salvador to maintain embassies in Jerusalem; they are the only two countries in the wodd to do so. Costa Rica and El Salvador have persisted in keeping their embassies in Jerusalem, despite intense international pressure to move them to Tel Aviv, in what has amounted to a remarkable act of solidarity with America's greatest ally in the Middle East: the State of Israel.

We ask that you encourage these positive trends by voting in favor of CAFTA. We look forward to remaining in contact with you on this and other issues of mutual interest in the near future.

Respectfully,

JOEL S. KAPLAN,
President
DANIEL S. MARIASCHIN,
Executive Vice President

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

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to note that when the chairman of the Committee on Ways and Means indicated that the speech and debate clause of the Constitution allowed us to distort the truth, I had no idea where he was coming from. But I now truly understand why he opened up the debate that way.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), our gentle minority leader, who made certain that we did not make this a partisan issue, who struggled hard to keep this agreement and to try to get it open so that we could have input and have a bipartisan agreement, and who will close on behalf of the minority.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and, more importantly, for his distinguished leadership on many issues concerning America's working families. I know I speak for all our colleagues when I say it is a privilege to call the gentleman from New York (Mr. RANGEL) colleague.

I also extend my thanks to the distinguished ranking member of the Subcommittee on Trade, the gentleman from Maryland (Mr. CARDIN), for his very, very substantive review of this CAFTA treaty. It has been an enormous help to Members, and I thank him for his leadership as well.

Mr. Speaker, I rise in strong opposition to the Central American Free Trade Agreement. It is a small treaty economically, but it has enormous implications for our country. I oppose CAFTA because it is a step backward for workers in Central America and a job killer here at home.

As a Californian, and there are many of us in the Chamber this evening, we all know full well the significance of our close ties to Central America. My own city of San Francisco is blessed with large populations of Central Americans, including those who sought sanctuary from El Salvador and those fleeing decades of civil war in Guatemala. Our fate is tied with our neighbors in the hemisphere.

President John F. Kennedy recognized this in 1961 when he announced the Alliance for Progress calling for ''vast multilateral programs to relieve the continent's poverty and social inequities.'' The Alliance for Progress included both economic cooperation and called for economic reforms as conditions of participation, just as we call for stronger labor and environmental standards today as the reasonable condition for trade agreements.

Mr. Speaker, I wish that the CAFTA bill we are debating tonight were an agreement that opened markets, included basic labor standards, and protected our environment. This type of agreement would have lifted the economies of both the United States and Central America. It would have attracted support from a large number of Democratic Members who have long histories of supporting free and fair trade, including recent trade agreements with Australia, Singapore, Chile, Morocco, Jordan, Vietnam, and Cambodia. Unfortunately, that is not the type of trade agreement before us tonight.

Instead, we are considering a trade agreement that promotes a race to the bottom, that hurts U.S. workers, that turns back the clock on basic internationally accepted worker protections, and fails to protect the environment. As a result, the Republican leadership is having a hard time convincing its own Members to vote for this bill.

We have heard our colleague earlier, the gentleman from Ohio (Mr. BROWN), talking about twisting arms until they are broken into a thousand pieces. The New York Times today, the gentleman referenced The New York Times, so I will too, said that a White House official said that the last votes are likely to be won with the most expensive deals. We should be able to pass good fair trade agreement treaties on their merits. Instead, the administration is trying to persuade people with side bars, side letters, and side deals. They have never worked in the past. They are just a con. And I hope that our colleagues will not fall for the con.

In their desperation to win votes, the President and the Republican leadership in the House have also proclaimed that CAFTA here tonight will promote U.S. security and democracy in Central America. The truth is if we want to improve our national security and promote democracy there, we should heed the words of Pope Paul VI, who said ''If you want peace, work for justice.''

Trade alone, devoid of basic living and working standards, has not and will not promote security, nor will it lift developing nations out of poverty. Our national security will not be improved by exploiting workers in Central America.

Here at home, this CAFTA threatens U.S. jobs by making it harder for American businesses and farmers to compete with countries that have excessively low wages and deficient working conditions. Mr. Speaker, I repeat: here at home CAFTA threatens U.S. jobs by making it harder for American businesses and farmers to compete with countries that have excessively low wages and deficient working conditions. We have lost 2.8 million manufacturing jobs since President Bush took office. CAFTA does not solve the jobs problem; it only digs the hole deeper.

These downward pressures create a race to the bottom that needlessly threaten U.S. jobs. Nothing in this agreement will help raise substandard wages in Central America or help create a strong middle class that has the disposable income to buy U.S. goods. Democrats understand the need to help our Central American neighbors reap the benefits of increased trade, but the cost of this CAFTA are too high, with too little to justify this agreement's deficiencies.

We must have basic worker protections which ensure that our trading partners abide by the most fundamental standards of common decency and fairness. The CAFTA we are debating today fails to promote these basic measures of decency and fairness and, in fact, takes a step backward from current law because it removes the requirement from these countries to abide by the workers' rights standards of the international labor standards.

When it comes to the environment, Democrats believe that environmental principles must be a central part of the core trade agreement. CAFTA will do absolutely nothing to improve environmental protection in Central America, and it will open up our own environmental laws to attack by foreign corporations.

My colleagues, this CAFTA allows multinational corporations to sue governments, including our own, for compensation if the environmental laws reduce the value of their investment or cut their profits. I repeat: CAFTA allows multinational corporations to sue governments, including our own, for compensation if an environmental law reduces the value of their investment or cuts into their profits.

CAFTA places no value on the environmental health of the Americas. Moreover, the enforcement provisions of this CAFTA are virtually nonexistent. It merely calls for CAFTA countries to enforce their own laws. Enforcement in these areas must be written in to CAFTA if they are to be effective. They are not.

Democrats believe that to keep America in the lead, the Nation must adopt a bold new and sustained commitment to technological innovation and educational excellence. That commitment would ensure that our country remains competitive and vibrant against formidable international competition, generating high-quality jobs throughout the 21st century.

We are committed to addressing challenges of increasing competitive global market. Our economic future rests on our ability to innovate new products and to create new markets for those goods and services. We insist that this administration revisit its flawed trade policy and work with Democrats so that we can pass free trade agreements, including a new improved CAFTA that will expand markets, spur economic growth, protect the environment, and raise living standards in the United States and abroad. That would allow us to move forward with our other priorities.

Mr. Speaker, American families are facing serious challenges: rising health care costs, record gas prices, climbing college costs, and massive job layoffs. They are worried about the direction of our country. Instead of addressing the serious issues that directly affect America's families and coming up with real solutions, Republicans have abused their power and focused on the wrong priorities: pursuing an energy bill that does nothing to lower gas prices or a Social Security privatization plan that weakens the safety net for America's elderly.

Sadly, this trade agreement and the way it has been pursued by the administration has become yet another example of those misplaced priorities and missed opportunities. Again, President Kennedy said in 1961 that the United States and Latin America are ''firm and ancient friends, united by history and experience and by our determination to advance the values of American civilization. We must support all economic integration, which is a genuine step toward larger markets and greater competitive opportunity.'' It was true then; it is an inspiration now.

I urge my colleagues to send this CAFTA back to the drawing board. The administration can negotiate a new CAFTA that will open new markets, include basic labor standards, and protect the environment. Such an agreement would attract strong bipartisan support. This CAFTA does none of the above. It does not protect the environment, it does not grow the economy in our country, it does not lift the living standard in Central America, and it does not have my support. Vote ''no'' on this CAFTA.

Mr. SHAW. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

□ 2300

Mr. THOMAS. Mr. Speaker, I wondered when this moment would come, and apparently it comes tonight.

For more than 40 years the Democratic Party was a very forward-looking, progressive party. It led us into

many new and important endeavors in helping people around the world. It was FDR that coined the phrase ''good neighbor policy.'' I want to explain what this is all about.

This is a letter from 20 labor leaders, and it is addressed to the minority leader. It says, The American labor movement has been one of the Democratic Party's most consistent and stalwart supporters. Every election cycle labor delivers. We expect that House Democratic leadership will convey very strongly to all wavering Democrats that voting for CAFTA against our strong, clear, and loud objections, would signal to the labor movement that those candidates do not want our support. Our work to help elect at-risk Members at your urging will not extend to those who vote against us on this issue.

Tonight I will tell my party, they moved from the majority to the minority. We moved from the minority to the majority. And tonight we have an opportunity to move to the progressive, aggressive and good neighbor policy party. They have urged all-night protectionism. They have urged fear. They have urged that we do not do what is right.

All I ask of Members is tonight we have been a majority for a decade. It is time that we mature into a permanent majority. We will lead, we will be progressive, we will help our neighbors. We will not quote 40-year-old quotes about how much we want to help and, when we have an opportunity to do so, heel to the protectionism labor union movement in this country.

Please, those freely elected Presidents came to us and said, help us. We help them by voting ''yes'' on CAFTA. We will be the good neighbors.

Mr. COSTA. Mr. Speaker, I fully support global commerce.

Almonds, which I grow on my land in Fresno, have become one of California's most valuable exports through development of foreign markets. In fact, more than two-thirds of this $1 billion a year crop is shipped outside of the United States every year. So, I truly understand the benefit of opening the world to the abundance of U.S. products. Of the producers in my district, some will win and some will lose with CAFTA.

I am here to speak on behalf of America's best interest. That interest is a trade policy that is free and, more importantly, fair.

Unfortunately, regardless of the diligent work and excellent intentions of our trade negotiators, the bi-lateral and multi-lateral agreements we have entered into are not serving America well, especially not American agriculture, if you use the last 10 years of increasing trade deficit as the standard.

The evidence of our trade failures is undeniable. Over the last dozen years, the U.S. trade deficit has grown exponentially from a deficit of $38 billion in 1992 to $668 billion last year, a incredible increase of more than $630 billion in 12 years—more than 1700 percent. This year, in spite of the Trade Promotion Authority enjoyed by the President and the plethora of agreements brought before this body, America's trade deficit is the largest it has been in nearly 50 years.

Last year, of the ships arriving from Asia to West Coast ports—Seattle, Portland, Oakland, Los Angeles—more than half of them traveled back across the Pacific empty. This is a tragic illustration of a trade policy that is not working.

It is not working because these agreements give us little or no ability to leverage our strengths as a trading partner.

Do we truly need another agreement when Japan, one of our most important trading partners, continues to refuse entry to American beef—one of our safest and highest quality food products?

For the sake of the American agricultural economy, and other American industries, we must do better. We must seriously evaluate the way in which we conduct trade, beginning with the agreements we negotiate; to look at what is working and, more importantly, what is not working.

Ten years ago, I supported NAFTA. But, with the current state of our trade situation and the weakness and our current agreements, I cannot find any sense in supporting another trade agreement that perpetuates this sort of ineffective policy. I am reminded of a familiar quote attributed to Albert Einstein that illustrates my hesitation about CAFTA. ''Insanity is doing the same thing over and over and expecting different results.''

In light of our trade deficits, how can we approve another agreement and expect different, better results for the American farmer?

In conclusion, my vote today against CAFTA is a vote of protest, a vote of dissatisfaction, a line in the sand. My ''nay'' vote today is a message on behalf of American agriculture, American businesses, and American workers to the administration and my colleagues in Congress that we absolutely must develop a new trade strategy, a strategy that reverses, over time, our trade deficit.

This new trade strategy must be straight with the American public. It must define who—over the next 10, or 20, or 30 years—will be the winners and losers. Because, for America to be economically strong in the 21st century, we must have a plan to address the transitions and shifts in our domestic economy.

As participants in the 21st century economy that Thomas Friedman refers to as ''the new flat earth,'' American workers and businessmen deserve to know what their chances are in the global economy. They need to know who among them will be the winners and losers. And, throughout that deliberation, American agriculture must have a seat at the table.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, DR–CAFTA or CAFTA. This trade agreement will eliminate thousands of American jobs without raising the quality of life for Central Americans and Dominicans. It is an agreement written to raise profits for multinational corporations at the expense of workers and the environment in the U.S. and the CAFTA countries. CAFTA should be renegotiated or voted down.

There is wide, bipartisan opposition to this bill here in the Congress because it endangers workers and jobs in the U.S. and abroad, it endangers our economy and it endangers the environment. Opposition to congressional ratification of this flawed agreement also runs deep outside of the Congress, throughout this country and the other signatory nations. The public as well as labor leaders, environmentalists, economists, and business owners and the clergy all strongly oppose the measure. Hundreds of thousands of Central Americans have taken to the streets to protest CAFTA.

I strongly support increased global trade for the United States. However, when negotiated, I believe free trade agreements should place human and labor rights and the protection of the environment on an equal par with the rights of capital. While CAFTA provides extensive protections for goods and capital, it provides no new protections for workers or the environment, and allows the signatory nations to do nothing more than enforce their own laws on labor and the environment.

Implementation of CAFTA would further the failed experiment that was NAFTA. As a result of NAFTA, my home State of Illinois has suffered the loss of over 100,000 jobs. The Nation has lost almost 1 million jobs due to the displacement of production that supported them prior to the implementation of NAFTA. Free trade agreements like NAFTA and PNTR for China perpetuate the race to the bottom in the global economy. They lower working and living standards for workers in other countries and kill jobs in the United States. CAFTA's effects would be no different.

The labor provisions in CAFTA are intentionally unenforceable. Violations of core labor standards cannot be taken to dispute resolution. The commitment to enforce domestic labor laws is subject to remedies weaker than those available for commercial disputes. This violates the negotiating objective of current U.S. trade law that equivalent remedies should exist for all parts of an agreement. Further, the ''enforce your own laws'' standard allows countries the opportunity to rewrite and weaken their labor laws to attract investment.

Instead of pursuing policies that undermine the rights and security of U.S. workers and workers in other countries, the United States should lead the world by example through a trade policy that improves the lives of individuals and does not just add to the profits of major corporations. Our policies should benefit workers here in this country, create and sustain jobs and help our small and medium-sized and family-owned businesses grow. CAFTA will not accomplish those goals nor will it offer better opportunities to the people of Central America and the Dominican Republic.

The abysmal working conditions in Mexico should serve as a sign of what CAFTA will bring to Central America and the Dominican Republic. The Mexican middle class that was supposed to arise as a result of NAFTA is missing. I visited Ciudad Juarez on the tenth anniversary of NAFTA. Instead of finding a thriving Mexican middle class, I found workers living in the packing crates of the products that they were manufacturing. The poverty rates and disparities in wealth in Mexico have actually grown since NAFTA. CAFTA would just spread those conditions further south by offering multinational corporations new opportunities to profit off the backs of low-wage workers.

I dispute the attempts by free trade proponents to reduce the debate to a choice between ''free trade'' and ''no trade,'' ''this agreement'' or ''no agreement.'' We can do better. We can achieve our economic objectives and moral responsibilities through responsible trade. And we can and should go back to the drawing board and fix CAFTA if we want to protect workers and the environment and give

the people of the DR–CAFTA countries the chance for a better future. I urge my colleagues to vote no on CAFTA so that we can renegotiate this flawed trade agreement.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the U.S.-Central American Free Trade Agreement

For me, free trade has always been about jobs and economic opportunity. But this agreement is about much more than that. It's also about increasing democracy in a region whose stability is fragile but moving in the right direction. It's about improving the environment. And it's about stemming illegal immigration.

The economic benefits of CAFTA are undeniable. CAFTA countries comprise the tenth largest market for U.S. goods, and the rapid growth of U.S. exports to CAFTA countries suggests this market could grow even more with the lowering of trade barriers.

My home State of Minnesota exported $12.7 billion in goods worldwide last year and ranks seventh in State agriculture exporters. Between 2000 and 2004, Minnesota manufacturers' exports to Central America increased by 83 percent, which clearly demonstrates Central America's viability as an emerging market for U.S. exports. And the elimination of protectionist tariffs in Central American countries will provide further increases in export opportunities for Minnesota farmers, manufacturers and service providers.

Passage of this agreement is so important to the U.S. economy because under the Caribbean Basin Initiative, over 80 percent of Central American imports already receive duty-free treatment. And if you separate the agriculture sector, CAFTA countries receive duty-free treatment on 99 percent of imports, 99 percent. It's time for our farmers and manufacturers to get fair treatment by allowing our exports to have duty-free access to their market.

CAFTA's passage is also necessary to advance overall trade liberalization. CAFTA's failure could cause a significant setback to other bilateral agreements in the works and also to the WTO-wide Doha Round negotiations.

The U.S. must remain competitive in the global economy, especially with the emergence of major exporters like China. Lowering trade barriers with developing countries in our hemisphere helps our overall competitiveness against China by increasing competition in growth sectors that China would otherwise dominate—like textiles, apparel and light manufacturing.

So the economic argument is rock solid, but CAFTA's passage goes beyond economic considerations. It will also help promote democracy, decrease illegal immigration and increase environmental standards.

For decades during the cold war, the U.S. spent significant resources fighting the spread of Communist and tyrannical dictatorships in Central America. Fortunately, Daniel Ortega's Sandinistas and the other leftist insurgencies which tore Central American countries apart have since been defeated and replaced by fledgling democracies. But now another destabilizing leader—Venezuela's Hugo Chavez—threatens peace and prosperity in the region.

Just last week, Chavez was reportedly revving up his military—warning them to be prepared for the imminent invasion by the U.S. And not surprisingly, Chavez is also the most vociferous opponent of CAFTA in the region.

Make no mistake, Hugo Chavez is licking his chops at the prospect of CAFTA's failure—waiting to exploit our missed opportunity and trap these nascent democracies under his thumb. These Central American countries lie on the precipice of economic stability and democratic government, and they deserve a chance to develop the same freedoms we have here.

Mr. Speaker, in addition to the economic and political benefits, CAFTA's passage will also improve environmental standards in Central America and decrease the flow of illegal immigrants from the region.

Study after study has shown that as economies improve, so do environmental standards. Once people get beyond the basic needs of food and shelter for their families, they can focus on the greater goods of clean air, clean water and conservation. Trade is not a zero-sum game. The elimination of tariffs helps increase exports and grow economies, and as the economies of Central America grow, so will their environmental quality.

Similarly, illegal immigration stems from the human desire to improve one's economic condition. As a member of the Immigration Reform Caucus, I believe we have a long way to go to improve our border security and stop the flow of illegal immigration. An improving economy in Central America will help achieve this goal, as the increase in job opportunities in the region will encourage more people to remain in their native countries.

The empirical data supports the agreement. Trade liberalization has always had the empirical data on its side. The immediate tariff reductions found in CAFTA expand market access for U.S. farmers, manufacturers and service providers and continue our country down the path of even greater market access worldwide. It will also significantly improve standards of living in Central America.

Congress must now have the resolve to do what is right and pass CAFTA. The future of our economy and the political stability of our region depend on it.

Ms. LEE. Mr. Speaker, I join my colleagues from both sides of the aisle in strong opposition to CAFTA.

Mr. Speaker, this trade agreement is a complete failure on all levels. The defeat of CAFTA is the only option.

Mr. Speaker, what we need is not just free trade, but fair trade.

What we need is a trade agreement that supports domestic manufacturers, while promoting labor standards overseas.

What we need is a trade agreement that protects our environment and stops corporations from trampling local governments.

And most importantly, what we need is a trade agreement that doesn't turn back the clock and deny access to lifesaving medicine to people suffering from diseases like HIV/AIDS.

Generic competition has reduced the cost of medicine and made access to treatment a possibility in developing countries, but DR–CAFTA puts profits over people and sacrifices access to medication to drug industry greed.

Experts estimate that in some DR–CAFTA countries, drug costs could increase as much as 800 times.

People will be dying in order to promote the profits of the pharmaceutical industry. It is morally outrageous, and it sets a horrible precedent for future trade agreements.

DR–CAFTA is an absolute failure on every count. We have all learned from 10 years of failed NAFTA policies, and we cannot and we must not repeat those mistakes.

The administration needs to go back to the table and develop a trade agreement that reduces our trade deficit, upholds labor and environmental standards and protects the access to lifesaving medicines for those who need them most.

This bill must be defeated. I urge a ''no'' vote.

Mr. MEEHAN. Mr. Speaker, I have long believed that as a matter of principle we should try to take down barriers that divide economies and people. Under the right conditions, trade between countries can create American jobs and raise standards of living both at home and abroad. But globalization is a developing issue and our policies need to reflect developments in our economy and the economies of our trading partners.

When seeking new markets for our products and services, we need to ensure that we are competing on a level playing field. We must work to ensure that our trade agreements are not only free, but also fair.

Tonight I will cast my vote against the Central American Free Trade Agreement because it is not free and fair trade.

When this Administration cuts the job retraining and education assistance necessary for our workers to compete in the global economy, we should reject trade agreements like CAFTA that fail to protect workers on both sides of the agreement.

The United States has a half-trillion dollar trade deficit. American businesses are choosing not to invest at home and our economy is no longer attracting private foreign capital.

The minimum wage is at its lowest level in 50 years, and nearly 7.5 million Americans are unemployed. The Republican Congress has enacted legislation that actually creates incentives for companies to move jobs overseas.

The CAFTA agreement President Bush has submitted to Congress would open U.S. markets to products from Latin American countries with poverty-level wage scales and poor environmental conditions. In return, we get access to six countries whose combined economic output is smaller than that of the city of Boston. Under this agreement, hard-working Americans will be forced to compete with nations that don't enforce international human rights standards in wage and hour rules and child labor laws.

Rather than foster sustained economic growth, CAFTA would freeze Central America's substandard labor laws in place. CAFTA is as bad a deal for Central American workers as it is for workers in the United States.

Time and time again, the Bush Administration has failed to take the necessary steps to help American workers succeed in the changing global economy. When the Senate Finance Committee made a bipartisan recommendation to include aid for displaced American workers in CAFTA, the Bush Administration simply ignored the request.

This indifference to the needs and concerns of the people most likely to be hurt by this agreement is typical of the Bush Administration's handling of economic policy. Instead of strengthening job training programs, the Administration has cut funding for these programs by over $750 million over the last five years. Instead of strengthening education, the Administration has cut these programs by over $500 million. Instead of addressing the health

care crisis in this country, the Administration has brought us legislation to protect the profits of HMOs and insurance companies.

I urge my colleagues to join me in voting to send the Central American Free Trade Agreement back to the White House with a clear message that we will not approve this agreement unless it reflects our priorities and values.

Mrs. BIGGERT. Mr. Speaker, I rise to urge my colleagues to cast their votes in support of DR–CAFTA for three very compelling reasons:

First and foremost, the agreement will help our manufacturers, workers and farmers. Let's face it—the U.S. is the most open market in the world. Right now, about 80 percent of the goods made in DR–CAFTA countries enter the U.S. with no duties whatsoever. In contrast, our $1.6 billion in exports face about $1 billion in tariffs and additional non-tariff barriers. That's not fair. DR–CAFTA will change that.

Second, it bolsters our national security as it helps strengthen relationships with six very important new governments in our own backyard. If we turn our backs on the fledgling democracies of the DR–CAFTA nations, we risk a return to the instability, leftist insurgencies, and Marxist leadership of the 1980's. Our worldwide anti-terrorist efforts could all be for naught if we drive our friends in Central America back into the arms of leaders like Venezuela's Hugo Chavez and Cuba's Fidel Castro.

And last, DR–CAFTA is the right thing to do. Those who wish to help the anti-poor efforts in these six nations, or stem the flow of illegal immigration to the U.S., or reverse China's dominance in textiles and apparel, should vote for this agreement. It is expected to create 300,000 jobs in these industries in the DR–CAFTA nations, while creating new demand for U.S.-sourced inputs—not raw materials from China. Upon enactment, more than 90 percent of all apparel made in the region will be sewn from fabric and yarn made in the U.S.

I urge my colleagues to support the agreement.

Mr. SPRATT. Mr. Speaker, there are various good reasons to vote against CAFTA, but the first is enough and it's basic: this is not a good deal.

The U.S. is running unprecedented trade deficits—$618 billion last year, $195 billion this year in the first quarter alone. And the deficit worsens every year, weakening our economy and our independence. Virtually every trade deal the U.S. has made has resulted in far more imports than exports. Yet we keep creating free trade zones in the blind faith that the market will optimize the outcome.

Central American countries are part of the Carribean Basin and already enjoy wide-open access to our markets by virtue of tariff Item 807, the Generalized System of Preferences, the Carribean Basin Trade Partnership Agreement, and the Uruguay Round of GATT, which has removed all quotas on textile/apparel imports. Far from being disadvantaged, these countries enjoy preferential access now.

In fact, the Caribbean Basin countries as a group already export more to the U.S. than Mexico and import less. The CBI countries shipped $2.6 billion in apparel exports to the U.S. versus $1.6 billion in apparel shipments from Mexico. During the most recent quarter, CBI countries imported $655 million in fabric from the U.S. Mexico imported $809 million. Overall, in 2004 our textile/apparel trade deficit with Mexico was $3.765 versus $5.669 with CBI countries.

CAFTA purports to be based on a rule of origin adopted from NAFTA. NAFTA provides that for textile and apparel goods to move freely among Mexico, Canada, and the U.S., they must be made from the yarn stage forward in these three countries. CAFTA follows the same rule, but carves out so many exceptions that the exceptions swallow the rule.

Here are some of the exceptions to the rule of origin that CAFTA allows for textiles and apparel:

Only the component that gives the garment its essential character is subject to the rule of origin. Non-essential components are excepted.

Textile or apparel goods that contain fabric or yarn deemed "in short supply" in the U.S. are treated as originating in CAFTA, regardless of origin. This opens the door to more Chinese components entering the U.S. duty-free.

Denim, wool, cotton, and man-made fiber woven products from Mexico and Canada, are permitted under the rule of "cumulation." Cumulation allows countries that have free trade agreements with us to supply component parts to CAFTA countries without affecting duty-free treatment. This opens the sale of U.S. yarn and fabric to competition and increases the likelihood that transshipped textiles from China will enter the U.S. duty free.

For the first 10 years, CAFTA grants Tariff Preference Levels (TPL) to Nicaragua, for up to 100 million square meter equivalents of out-of-region cotton or man-made fiber garments. These goods come into the U.S. at nominal duties. This exception represents ⅔ of Nicaragua's current capacity and opens another back door to Chinese imports.

The origin of collars, cuffs, and linings is not considered when determining the origin of the apparel goods. This allows the use of Chinese collars, cuffs and linings.

CAFTA allows Central American countries to use components from anywhere—including China—to make pajamas, bras, and boxers and import them duty-free. The import of these goods from China has been found disruptive to our markets. So, they are subject to "restraints" under a special "safeguard" agreement with China. By allowing duty-free access to the U.S. for these goods, CAFTA allows China a route around the "safeguard" restraints.

Here's another oddity about CAFTA. CAFTA benefits are retroactive to January 1, 2004. Manufacturers will receive duty rebates if CAFTA is ratified. Under the Caribbean Basin Trade Partnership Act, garments made in the region from U.S. yarns and fabrics already receive duty-free treatment. The only manufacturers who will benefit from retroactivity are the ones who want to use non-U.S. fabric as part of the single transformation, TPL, or cumulation loopholes. Retroactivity is essentially an invitation from the U.S. government to manufacturers to start using non-U.S. fabrics immediately.

The U.S. has been unable to make labor and environmental standards a condition of free trade for GATT/WTO members, though they should be. Otherwise, free trade becomes a race to the bottom. Our goal should not be just to expand markets, but to raise living standards. All CAFTA says is that a country must enforce its own laws. CAFTA sanctions the status quo, doing nothing for labor or environmental laws.

All in all, CAFTA strikes a poor bargain. China is now making trade deals world-wide, using as leverage the largest emerging market in the world. The U.S. still has the largest existing market in the world. Surely in exchange for access to our markets, we can cut a better deal than CAFTA—better for our workers and theirs.

Mr. MEEK of Florida. Mr. Speaker, I am a strong supporter of trade. Since I came to Congress, I have voted for free trade agreements with Australia, Chile, Morocco, and Singapore.

There has been a lot of exaggeration about the benefits and the problems that would be attributable to DR–CAFTA, but I look at this agreement in a larger context.

First, I believe that the Bush Administration has never done enough to provide Florida businesses with the government services they need to expand, develop new markets, and operate efficiently, especially with regard to Miami International Airport, which is the single largest employer in Miami-Dade County.

Second, we know the state of Florida lost 35,000 jobs after the passage of NAFTA. While some Florida businesses will benefit from DR–CAFTA, I don't believe the gain in new business will be as pronounced as proponents have claimed, and I am deeply concerned about the impact on some industries, like sugar.

Third, I believe that it is unjust to include the Dominican Republic in this trade agreement while excluding Haiti. The Administration had the opportunity to promote stability, job growth and democratic government in Haiti last year with the HERO bill, but the President was never fully committed to the legislation and the opportunity was lost.

I think it is disingenuous of the President to now claim that the passage of DR–CAFTA is essential for the growth of democracy in the hemisphere when he passed up the opportunity to help Haiti with both of these trade bills.

Mr. VAN HOLLEN. Mr. Speaker, today, after much deliberation, I decided to cast my vote against the Central American Free Trade Agreement. After careful review, I have concluded that the benefits of CAFTA are likely to flow to a few powerful economic special interests at the expense of working men and women in the United States and Central America. It is my hope that a 'no vote' will encourage the President to go back and re-negotiate the labor and environmental provisions of CAFTA so that everyone, not just a few special interests, will experience the rewards of free trade.

The Bush Administration offered as one of its reasons for negotiating this agreement that the growing economic prosperity in Central America as a result of CAFTA would pull Central Americans up from poverty to become enthusiastic consumers of American goods. But by not sufficiently addressing the issue of weak labor protections throughout Central America, the Bush Administration neglected an important tool that could help make this dream a reality.

According to the Administration, CAFTA adequately addressed labor concerns by requiring that each country enforce its own labor laws. Ordinarily, I would not object to this.

Similar language is included in some of the other FTAs I have supported in the past. But what is troubling about CAFTA is that, while Central American countries may indeed have worker protections on the books, they have a dismal record of enforcing them. This became clear to me while researching the human rights records of CAFTA countries.

I was disheartened to learn that while the constitutions of each CAFTA country provides for rights of workers, bureaucratic impediments, ineffective legal systems and insufficient resources have precipitated a culture of neglect that has left workers vulnerable to exploitation by employers.

In Guatemala, the law prohibits retribution for forming or participating in trade unions. But, enforcement of these provisions is weak. Employers often circumvent the Labor Code or simply ignore judicial pronouncements altogether.

In El Salvador, there have been repeated complaints that the government prevents workers from exercising their constitutionally recognized right of association by employing excessive judicial formalities and denying unions legal standing.

In Honduras, the Labor Code expressly prohibits retribution by employers for trade union activity and blacklisting—but such violations continue.

The Administration's response to objections about the dismal enforcement records of Central American governments is that CAFTA contains penalties to discourage such activities. While CAFTA does contain provisions crafted to encourage enforcement of labor rights, these provisions fall short of the strength needed to reverse years of indifference and systematic neglect.

CAFTA's enforcement mechanism centers on a strategy of financial penalties. Each time a party is found guilty of violating a worker's rights, that country is assessed a fine. This approach has been employed in earlier agreements with few objections. But in CAFTA, such an approach is problematic.

My principal concern is that only the U.S. has the standing to bring a case against a CAFTA country. NGOs and other international institutions, who are often the most knowledgeable about the labor conditions in these countries, are forbidden from seeking redress on behalf of workers—which means that only the U.S. government will be able to take issue with labor violations under CAFTA. Given our poor history of forcing compliance with labor laws among our trading partners, I am not convinced that this approach will adequately protect Central American workers.

Equally troubling is the requirement that countries found to be in violation pay the fine back to themselves instead of to the United States. This hardly seems like a penalty at all.

Unfortunately, CAFTA would turn the labor conditions in some Central American countries from bad to worse. The Caribbean Basin Initiative, which currently governs U.S. trade relations with Central America provides for periodic opportunities to reconsider and re-negotiate its provisions—including its labor provisions. That creates a mechanism where, over time, we can press for improved labor conditions. But the labor provisions in CAFTA would preempt the CBI process. Once passed, CAFTA can only be changed if each individual country agrees to the change.

Over the years, unions have helped bring scores of Americans into the middle class. Unions helped shield workers from retribution as they sought a fair wage and better benefits for themselves and their families. Given the increased opportunity for trade that CAFTA will bring about, Central American workers deserve the chance to enjoy some of the benefits.

The debate on CAFTA has been long and spirited. Along the way, critics have had time to clearly annunciate their objections. The Bush Administration heard and responded to concerns about textiles and even re-opened negotiations on the issue. Why can't the same be done for labor rights?

Mr. President, many of the flaws in the agreement with respect to labor rights also apply to its environmental provisions. The enforcement mechanisms are weak.

I have therefore concluded that CAFTA is a missed opportunity. Without adequate mechanisms to enforce labor and environmental standards it will trigger a race to the bottom—a race for certain special economic interests to exploit lax labor and environmental protections. The result will be substantial benefits for a few at the expense of many. We can do better. We must do better.

Mr. President, Americans and Central Americans deserve a chance to have their concerns about this agreement addressed—please renegotiate CAFTA.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to H.R. 3045, the Central American Free Trade Agreement (CAFTA). I am a supporter of trade when it is used to help lift developing countries out of poverty and when it provides jobs with fair wages and protections. However, as negotiated, the CAFTA fails on both counts.

On May 15, 2003, I joined colleagues of the Congressional Hispanic Caucus in sending a letter to U.S. Trade Representative Robert Zoellick regarding concerns we had about the direction the Administration was taking during its negotiations of the Central American Free Trade Agreement. As a signatory to that letter, I urged Ambassador Zoellick to negotiate to strengthen the enforcement of internationally recognized labor rights, such as freedom of association, the right to organize, and to bargain collectively. I regret that U.S. negotiators ignored this critical request and finalized the CAFTA without strong and clear language that would hold the CAFTA countries accountable to such internationally recognized core labor rights.

There are many other concerns I have with the trade agreement that is before us. For example, I am troubled by the fact that the CAFTA does not adhere to the provisions of the 2002 Trade Promotion Authority, which requires that new U.S. trade agreements not provide greater legal rights to foreign investors than to U.S. investors. Under CAFTA, foreign investors have the right to challenge U.S. laws and regulations if they believe the law negatively impacts their ability to conduct trade. As a result, a foreign investor can seek financial compensation from the U.S. by going through an international arbitration panel. Congress was clear in its opposition to this continued foreign investor overreach of power, and it is disturbing that the Administration has not done a better job of protecting U.S. interests.

In addition, I oppose the provisions of this agreement which would impede access to safe and affordable prescription drugs for patients throughout Central America and the Dominican Republic. Specifically, CAFTA would block governments from approving the sale of generic drugs for at least five years after a new drug is introduced in each market, even if the drug's patent has already expired. The agreement would also block the approval of generics unless drug regulators can prove that the drug's patent has expired. These obligations create additional burdens on CAFTA countries that need to focus their limited resources on monitoring the safety and efficacy of their pharmaceutical products. Furthermore, it is unconscionable that we would place the financial interest of large multicultural drug companies above the health needs of families in developing countries.

In conclusion, I continue to express my support for a U.S. Central American Free Trade Agreement that would protect U.S. interests and create economic opportunities for workers, businesses, and farmers here and in Central America. Such an agreement would help break the cycle of poverty in Central America and serve as a model for hemispheric trade. Unfortunately, the agreement your office has negotiated falls far short of meeting these goals.

Mr. SHAYS. Mr. Speaker, I rise in strong support of the Dominican Republic-Central American Free Trade Agreement. There are a whole host of reasons to support this legislation.

CAFTA will benefit both the U.S. economy and the economies of the Central American nations. Opponents of CAFTA would have us believe the North American Free Trade Agreement moved all our jobs to Mexico and seriously harmed the American economy. Contrary to their assertion, our economy's strength is due in no small part to the advancement of free trade.

Expanding trade is critical to strengthening our economy. This is especially true in Connecticut where our businesses exported $8.3 billion in 2002, up $1.1 billion since 1999. In fact, export-supported jobs accounted for an estimated 7.5 percent of the state's total private-sector employment.

Many of my friends in the labor and environmental communities have expressed concern that signing this agreement will be bad for their interests. I strongly believe by integrating ourselves with these countries, we give ourselves greater leverage to work on enforcing labor standards and environmental safeguards. Only through isolation do we risk letting these countries slip down the very path these groups are concerned about.

Furthermore, I believe the best way the United States can facilitate social and economic reforms in other countries is through an open dialogue and greater trade. Free trade leads to a richer and more educated populace, which leads to the expansion of democracy and a desire to be accepted as a full member in the world community.

Leaders like Venezuela's Hugo Chavez are advancing an anti-American, anti-Western agenda in our hemisphere. It amazes me we would turn our back on leaders who are standing up and asking to be more closely linked with the United States.

CAFTA is good for our economy and our workers, it's good for the economies of these countries and their workers, and it's good for the stability of our continent by promoting democratic governments. I urge this legislation's passage.

Mr. FILNER. Mr. Speaker, the Republic Leadership has insisted on bringing the proposed Central American Free Trade Agreement (CAFTA) before the House tonight. CAFTA tacitly endorses labor and environmental conditions in Central America that would be illegal in the U.S.

CAFTA allows goods produced under these conditions to unfairly compete with the Imperial County sugar growers, of my district. If we pass this agreement, American farmers and ranchers that comply with U.S. environmental and labor standards will be at a grave disadvantage in the global economy.

My district which encompasses the border of California and Mexico, has felt the negative impact from the failure of the North America Free Trade Agreement (NAFTA). My district has seen NAFTA's promises broken, translating free trade into poverty; increasing social inequality; and creating severe environmental degradation.

The current CAFTA proposal would expand on NAFTA's failures, and send the wrong message: labor and environmental standards are not as important as producing cheap goods under horrible labor conditions.

At the minimum CAFTA should call for basic labor standards including child labor protections, and environmental standards. Make no mistake about it, CAFTA is not about national security, it's about the exploitation of cheap labor!

Mr. HOLT. Mr. Speaker, I rise today to oppose approval of the US-Dominican Republic-Central American Free Trade Agreement (DR–CAFTA).

On the floor today we are considering a far reaching and important trade agreement with our Central American neighbors, and yet we will only spend two hours debating DR–CAFTA. I am disappointed that more time was not provided to debate this highly controversial legislation. We will have spent more time this week naming various post offices than seriously debating this trade agreement. This is simply wrong. When the House considered the North American Free Trade (NAFTA), a full eight hours of debate was allowed. This is how the House should consider such agreements, with meaningful and extended debate.

International trade is not just inevitable, it is a good thing. But lowering the cost of goods and increasing their availably is not the single goal of trade. Trade done right helps lift the global standard of living and works to protect the irreplaceable environment we inherited. Trade is about values. Trade agreements are not just about goods and commodities; they are also about what constitutes acceptable behavior in environmental matters, worker's rights, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them. Unfortunately, the DR–CAFTA before us today fails these basic tests. The DR–CAFTA does not contain the values we would require in America and that we must help spread in Central America. Even the United States Conference of Catholic Bishops has come out in opposition to DR–CAFTA because of its effect on the poor and most vulnerable in Central America.

Each new trade agreement entered into by the U.S. should be very closely scrutinized. Each ought to include the strongest enforceable worker rights, human rights, and environmental safeguards attainable, like those included in the U.S.–Jordan agreement of 2000. Each should also include enforceable rules to protect intellectual property rights and guarantee access for U.S.-based corporations to foreign markets. This can be achieved in trade agreements if we enter negotiations with clear principles.

I voted against the Chile and Singapore trade agreements, for example, because the inadequate labor and environmental provisions included in them, in my estimation, failed to meet the negotiating objectives that Congress carefully spelled out in the 2002 law extending fast-track negotiating authority to the President. They did not provide, for example, that trade dispute settlement mechanisms within those free trade agreements afford equivalent treatment to trade-related labor and environmental protection as intellectual property rights and capital subsidies, and the impending DR–CAFTA fails in this regard, too. The agreement between the US and Jordan, on the other hand, is a fine example that good agreements are achievable.

I am deeply troubled by the DR–CAFTA before us today. The DR–CAFTA does not contain strong, enforceable provisions to protect internationally-recognized worker rights. Nor does it have any provisions for environmental safeguards. Such provisions are critical because they both preserve existing labor laws and environmental standards in the affected countries, and because they ensure that American companies will be competing on a more level playing field with our Central American neighbors. Without such provisions, U.S. companies and employees are forced to compete with countries that have inadequate wage, working conditions, or environmental protections. The people of all countries lose in such a ''race to the bottom''.

Mr. Speaker, I am going to vote no on DR–CAFTA tonight, and I urge my colleagues to do the same.

Mr. KIND. Mr. Speaker, as our nation leads the world into the 21st century, we should not shy away from opportunities to guide and expand global trade. Lowering tariffs and advancing economic engagement among nations not only helps the American economy, it also can provide real opportunity to those in the developing world who are working to eradicate poverty, build their nations and bring prosperity to their people.

It is critical that we build a bipartisan consensus around the importance of trade, which, unfortunately, does not currently exist. Such a consensus requires that trade agreements be balanced and fair for American workers and companies as well as for the nations with which we seek to engage. It also requires that domestic priorities be put in place to assist Americans in transitioning to the global economy.

While I have supported previous free trade agreements, it is with regret that I oppose H.R. 3045, legislation implementing the Central American Free Trade Agreement (CAFTA) between the United States, the Dominican Republic and five Central American nations: Costa Rica, Honduras, Nicaragua, El Salvador and Guatemala. DR–CAFTA does not build the bipartisan consensus we must achieve to succeed in the emerging global economy.

When increasing opportunities through trade, we must be sure to do more to empower the American workforce through a comprehensive and upgraded education and worker training policy. The single most important factor in determining America's success in the 21st Century will be maintaining our innovation and creativity.

Over the last few years, the world has become a smaller and more integrated place with technology, which levels the playing field like never before. Greater competition and collaboration exist now between countries, companies, and individuals. Meeting this challenge requires a new set of big ideas. Instead of this Administration being so eager to dismantle the new deal, it should be working with Congress to offer the American people a new ''New Deal.''

This new ''New Deal'' should provide working families with the skills to compete successfully in the 21st Century economy. We must renew our commitment to worker training programs, an education investment that emphasizes math, science and engineering, research funding in science and medicine, and a comprehensive broad-band strategy for all America.

Unfortunately, DR–CAFTA fails on a number of fronts. While the Administration has aggressively negotiated intellectual property and investor rights provisions in the agreement, it has simply not taken the same approach to protect workers' rights abroad or address the needs of working families here at home.

DR–CAFTA does not require nations to bring their laws into compliance with the International Labor Organization (ILO) core labor standards, even though the ILO and U.S. State Department have documented numerous areas where the CAFTA countries' laws fail to comply with even the most basic international norms. Further, the agreement lacks critical dispute settlement and enforcement mechanisms for worker rights provisions beyond a normal fine for countries that fail to enforce their own current labor laws. Even this minimal standard is flawed, as DR–CAFTA does not require countries to maintain their current labor laws.

In addition to the inadequate labor provisions in the trade agreement, the Administration has done nothing to prepare hard-working American families for the consequences of increased trade. Rather, the Administration and Congressional Leadership have provided irresponsible tax cuts benefiting the wealthiest one percent of Americans at the expense of investing in education, skills training, and research and development.

Mr. Speaker, economics and trade need not be a zero-sum game; it can be a win-win for everyone involved as long as people have the tools to succeed. I cannot in good faith support an incomplete trade and economic policy that leaves Americans less able to be creative and innovative.

Mr. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to H.R. 3045, the Central American Free Trade Agreement (CAFTA). My opposition is based on my conclusion that CAFTA is another chapter in trade legislation that will spur job losses, depress American wages, eviscerate laborer's rights, emasculate the environment, and contribute to our nation's deficit.

Recent statistics from the Labor Department indicate that America has lost more than 2.5 million manufacturing jobs since the passage of NAFTA. In my home state of Michigan, we have experienced a net job loss of over 200,000 manufacturing jobs due to exports.

Throughout the U.S., American workers suffer with anxiety about the elimination of their jobs each time we pass another free trade agreement. They know that factories are being relocated to foreign countries where they will be immune from paying U.S. taxes, and will be able to pay workers a fraction of U.S. hourly wages that range from $14 to almost $18. Each time we pass another trade agreement, their worst fears are realized.

According to the United Nations International Labor Organization (ILO), the average hourly wage earner in Nicaragua makes 95 cents; $1 in Guatemala, and $1.25 in El Salvador. Such minuscule wages pose a tremendous incentive to Asian and U.S. manufacturers to build factories and strategic alliances in Central America. The same factories that will be created in Central America will be able to avoid strong environmental laws that exist in the U.S., thereby contributing to environmental degradation throughout Central America.

If Americans have any concerns about the prospects posed by CAFTA, we need only look at the explosion of our deficit after the passage of NAFTA. Our trade deficit with Mexico mushroomed to $15 billion from a figure of $3 billion, resulting in a loss of 200,000 high wage U.S. jobs.

I am a very concerned that worker protection provisions throughout Central America will be weakened if CAFTA is passed. The legislation omits an important protection that was included in NAFTA—that labor enforcement proceedings not be unnecessarily complicated. I reject the hypocrisy of a trade agreement that would sanction placing the welfare of low wage earners in jeopardy. In my state of Michigan, we have strong worker protections in place. I cannot in good conscience support a measure that would pose potential harm to workers throughout countries in Central America.

Finally, supporters of CAFTA state that its passage will facilitate the elimination of tariffs and quotas and will ultimately result in increased trade and long-term growth. In reality, consumers and laborers in Central America will not be able to afford American manufactured goods. They will, however, be able to manufacture goods in Central America that will be sold in America with a profit margin that could not be realized if the same item were manufactured domestically.

Mr. Speaker, I rise in strong opposition to HR 3045, the Central American Free Trade Agreement (CAFTA). Passage of this bill will accelerate job losses, contribute to our deficit, circumvent labor rights and contribute to global environmental degradation. My constituents have overwhelmingly expressed their concerns and opposition to HR 3045. I urge my colleagues in the House to defeat this measure and stand up for fair and free trade.

Mr. SALAZAR. Mr. Speaker, I came to Congress to defend the values of rural Colorado; our farming lifestyle, our ranching communities, our jobs. DR–CAFTA, the Dominican Republic-Central America Free Trade Agreement goes against those values, posing a threat to the very backbone of our economy and our lifestyle.

Trade has always been a way for cultures to exchange not only goods, but also ideas and good will. I support trade with our neighbors; it is what we should be doing to help promote democracy and economic prosperity. But just because we have a trade agreement before us does not mean it is the right agreement.

DR–CAFTA is an attempt to liberalize trade between the United States and six Latin American countries. The Administration negotiated with other foreign leaders in 2004 and today the House of Representatives will vote whether to approve the agreement. Due to Fast Track Authority, however, Congress will not have an opportunity to amend the agreement—it will merely have an up-or-down vote regardless of any concerns that may be voiced. DR–CAFTA has divided many agricultural groups among the states as well as other industries, business groups and human rights organizations.

Over the last several months, I have met with a variety of groups from Colorado and around the nation about DR–CAFTA and I am sad to report there is no consensus about how this agreement will affect our nation's economy.

The promise of new markets for agricultural exports has prompted many groups to throw their weight behind DR–CAFTA, but a deeper examination of the supposed benefits vs. the actual consequences of DR–CAFTA's enactment warrants hesitation.

Our beef industry is strong and fiercely protected in our state. According to the proponents of the deal, DR–CAFTA will open up new markets and opportunities for the U.S. beef industry. But our local ranchers and beef producers will not benefit from the agreement—DR–CAFTA will only allow duty-free access for prime and choice cuts of U.S. beef, which makes little sense when 40 percent of the people in DR–CAFTA nations make $2 a day or less.

Meanwhile, DR–CAFTA is silent on the issue of imports meeting our rigorous food safety and sanitary standards, creating a challenge to the safety of our food supply.

The Colorado Farm Bureau has publicly expressed its opposition to this agreement because of the potential adverse effects it would have on agricultural sectors. In particular, the Colorado sugar industry could be devastated by increased imports of sugar from the Dominican Republic. According to estimates, the effect of lower sugar prices after increased imports could be nearly $180 million. This means the loss of nearly 150,000 sugar-industry jobs. A report prepared by the United States International Trade Commission estimates job loss in the sugar industry will be 38 times higher than the next most harmed sector.

Not only would DR–CAFTA threaten the livelihoods of thousands of US. sugar farmers and workers, but it would cost taxpayers millions of dollars. Another government report reveals information condemning DR–CAFTA as a burden on taxpayers. According to the Congressional Budget Office, the influx of sugar from Central American countries would push prices down so low that our own sugar farmers would be forced to forfeit government loans on their crops. These forfeitures would cost taxpayers about $50 million annually through 2015. When added to a trade deficit that has ballooned to $617 billion, claims of economic gain are hard to believe.

The trade commission study states DR–CAFTA will actually accelerate the pace at which jobs are outsourced overseas. The North America Free Trade Agreement certainly hasn't set a good precedent, with estimates of nearly 900,000 jobs lost.

In the wake of NAFTA, Trade Adjustment Assistance programs were designed to assist those who lose their jobs as a result of companies moving out of the United States. More than a decade after NAFTA, the programs receive only one-quarter of the needed funding. Despite progress made in recent years to improve the Trade Adjustment Assistance program, budget cuts have left many workers who qualify for TAA benefits without access to this program when they need it most. Workers in Grand Junction were displaced this year when their jobs were outsourced overseas; I would hate to see other communities have to deal with this problem.

How will the TAA programs keep up with DR–CAFTA's fast-paced outsourcing? And why spend millions of dollars to fix the effects of a flawed trade agreement, instead of renegotiating the entire agreement? Proponents of DR–CAFTA can't seem to defend the agreement on its own merits.

Since the solid economic reasoning isn't there, curbing illegal immigration has become the new purpose of DR–CAFTA, another argument that doesn't have the backing of facts or figures. In the wake of NAFTA, 1.3 million farmers in small to medium-size operations were forced off their land because they were unable to compete with the multinational producers. For those concerned about ''broken borders,'' think of this: The employed farmers and agriculture workers of 10 years ago have become the undocumented immigrants of today. I fear DR–CAFTA will create a new wave of illegal immigration from Latin America.

I will close as I began by reiterating my feelings about free trade. I support trade as part of a long-term strategy to grow our economy and support democracy. Economic ties with other nations help the American economy and national security. But trade agreements should provide real gains for U.S. workers and businesses. In any agreement, we must be vigilant about protecting our economic security. DR–CAFTA is a flawed agreement that needs to be renegotiated to address the concerns of our agricultural sector and the concerns of illegal immigration. Safeguards to protect American jobs and rural values must be strengthened before moving ahead with free trade in Latin America.

Mr. SKELTON. Mr. Speaker, over the past several weeks, I have closely studied the proposed free trade pact between the United States and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic, commonly referred to as CAFTA.

After careful consideration, research, and meetings with national security experts and representatives of Missouri agriculture, labor, and business, I have decided to vote in favor of CAFTA. While this legislation is far from perfect—no trade pact ever is—my support comes down to two issues.

First, CAFTA is a national security issue. As the ranking Democrat on the House Armed Services Committee, I have the opportunity to consider not only the military component of national security, but other elements as well. Our security depends upon the success and the competitiveness of the U.S. economy. We must exert leadership, especially in our own hemisphere.

Just 20 years ago, civil wars, communist insurgencies, and military dictatorships oppressed and destabilized much of Central America. Because conditions in Central America are critical to our national security, the

United States has actively supported these nations during the transition from insurgency and military rule to democracy. However, these new democratic governments cannot be taken for granted. Threats to their existence remain, notably from countries in South America that are suffering the effects of civil war, narcotics trafficking, and communist inspired agitation. Turning our backs on a region only recently freed from the grasp of dictatorship would diminish our international credibility and would send the wrong message to the world at a time when our troops are fighting in Afghanistan and Iraq to build stable, democratically-elected governments.

As former President Jimmy Carter said, ''For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward and to help those leaders who want to modernize and humanize their countries.''

Second, the market access provided by CAFTA will benefit American agriculture, which is of primary importance to those of us who care about the future of rural America and want to promote a strong rural economy. Currently, 99 percent of, agricultural products from CAFTA countries enter the United States duty free, while U.S. farm exports face significant barriers in these markets. Many of these commodities are produced in Missouri, where agricultural exports totaled $1.24 billion in 2003 and account for one-fourth of farm cash receipts.

Under CAFTA, U.S. farm products—like pork, poultry, soybeans, corn, and beef—will receive preferential access to Central American markets, giving Missouri's agricultural exports a significant economic advantage over agricultural exports from our competitors in South America, Europe, and Canada. It is projected the CAFTA could increase agricultural exports in the Show-Me State by $33 million annually once the agreement is fully implemented in 2024.

Again, no trade deal is perfect. Clearly, some improvements could be made in the bill, especially on the labor protection side. But, as I studied CAFTA and heard from national security, agriculture, labor, and business leaders, I became convinced that this trade agreement is critical to U.S. national security and to rural America.

JUNE 8, 2005.

Hon. BILL THOMAS,
Rayburn House Office Building,
Washington, DC.

TO REPRESENTATIVE BILL THOMAS: As you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective. this will help both the United States and Central America.

Some 80 percent of Central America's exports to the U.S. are already duty free, so they will be opening their markets to U.S. exports more than we will for their remaining products. Independent studies indicate that U.S. incomes will rise by over $15 billion and those in Central America by some $5 billion. New jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill, particularly on the labor protection side, but, more importantly, our own national security and hemispheric influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion of democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights at a time when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There now are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the presidents of each of the six nations had to contend with their own companies that fear competition with U.S. firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If the U.S. Congress were to turn its back on CAFTA it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the U.S.

For the first time ever, we have a clause to reinforce democracies in the region. This is the moment to move forward and to help those leaders that want to modernize and humanize their countries. Moreover, strong economics in the region are the best antidote to illegal immigration from the region.

I appreciate your consideration of my views and hope they will be helpful in your important deliberations.

Sincerely,

JIMMY CARTER.

Mr. BURTON of Indiana. Mr. Speaker, the debate over the potential costs and benefits of the proposed Dominican Republic-Central American Free Trade Agreement, CAFTA, has been contentious; and at times it has been difficult to separate fact from fiction and the myths from reality. In fact, I don't think I have ever seen as many wild and unsubstantiated allegations thrown around about a bill as I have seen during the debate over CAFTA. I rise tonight though because one myth perpetuated by opponents of CAFTA has caused me great deal of concern; namely the myth that CAFTA will restrict American consumers' access to the wide range of vitamin and mineral supplements of varying potencies that are legally sold in the United States. Then there are the related myths that CAFTA will limit the amount and type of information on the labels of dietary supplements sold in the United States or even require that dietary supplements be sold as drugs.

I, along with millions of Americans, firmly believe that dietary supplements have been shown through research and historical use to be of immeasurable benefit to human health. As a regular consumer, I know firsthand the health benefits of using dietary supplements on a daily basis. Whether taking a multi-vitamin, herbal product, or specialty supplement, I know that people can and do live healthier lives and save money in long-term health costs by supplementing their diets.

Approximately 10 years ago, seeing a need for the Federal Government to address the American consumer's growing interest in dietary products and public safety, Congress overwhelmingly passed the Dietary Supplement Health and Education Act, DSHEA, to make certain that all dietary health products sold in the United States are held to the highest and safest quality standards.

This legislation ensures the safety of dietary supplements by requiring manufacturers to follow standards called ''Good Manufacturing Practices,'' or GMPs. Essentially, all ingredients in supplements sold in the United States must be previously approved by the FDA and listed on the bottle label, and distributors must follow strict guidelines on any claims that are made in regard to a particular product—to provide consumers with the most accurate information on supplements. Additionally, if at any time the FDA decides that a particular product or dietary ingredient is detrimental to human health; it reserves the right to have those items removed from the marketplace.

This legislation provides the current framework for how the Federal government ensures the safety and efficacy of dietary supplements sold in the United States, and there is no provision in CAFTA that requires the United States to change DSHEA in any way.

Nevertheless, I was so concerned about this issue that I asked the U.S. Trade Representative's, USTR, Office to clear up any misunderstanding about CAFTA and DSHEA. I would like to have the text of the USTR's fact sheet on CAFTA and Dietary Supplements placed into the CONGRESSIONAL RECORD following my statement.

CAFTA AND DIETARY SUPPLEMENTS

The CAFTA–DR will not limit consumer access to dietary supplements in any way, nor will it change the way the federal government or U.S. states regulate dietary supplements.

Chapter Six of the CAFTA–DR (Sanitary and Phytosanitary Measures—SPS), which some have claimed could limit access by American consumers to dietary supplements, does not create *any* substantive rights or obligations. It merely:

Says the seven governments do not intend the CAFTA–DR to change their existing SPS rights and obligations under the WTO.

Note: WTO rules, in effect since 1995, have had absolutely no impact on the regulation or availability of dietary supplements in the United States.

Establishes an inter-governmental committee to discuss SPS issues of mutual interest.

The SPS committee will not seek to harmonize national SPS regulations governing dietary supplements. In fact, Chapter Six does not require, recommend, or even mention harmonization.

The committee will simply work to assist the seven governments in carrying out their obligations under the WTO SPS Agreement.

Contrary to assertions some have made, the CAFTA–DR will not require the United States to:

Apply the recently adopted Codex Alimentarius Guidelines for Vitamin and Mineral Supplements. In fact, the agreement imposes no obligations regarding Codex standards or guidelines.

Change the Dietary Supplement Health and Education Act of 1994 (DSHEA), which regulates dietary supplements in the United States.

The Codex Guidelines provide voluntary guidance to governments relating to the composition of vitamin and mineral supplements and criteria for establishing maximum amounts of vitamins and minerals per daily portion of supplement consumed.

The Guidelines do not establish upper limits for vitamins and minerals in supplements.

Nothing in the WTO SPS Agreement will require the United States to adopt the Codex Guidelines.

Mr. FEENEY. Mr. Speaker, I rise today in support of the Central American Free Trade

Agreement, but I do so some reservation. While CAFTA should provide economic benefits to most industries in Florida, it does create some difficulties for our State's sugar farmers. I am disappointed that tonight's vote will have a negative impact on an important agricultural industry in our State, but along with this vote comes the broad economic benefits of free trade.

I have made a difficult decision tonight to support an agreement that will negatively impact some farmers in my State because of my belief in the principles of free trade. So it would be irresponsible of me not to make several points perfectly clear to my colleagues from other areas of the Nation, particularly the Midwest, whose farmers receive billions of dollars in farm program subsidies each year.

Unlike most commodity programs, the U.S. sugar program is designed to operate at no cost to the taxpayer. Unlike other crops, our Nation does not produce too much sugar, in fact we are the fourth largest importer in the world. We don't have to prop up sugar farmers by finding ways to get excess sugar out of the country, and we don't have to write billions of dollars of government checks to sugar farmers to allow them to stay in business.

I want to be sure that my colleagues understand that they may be called on to make an equally hard choice in the near future. Some corn groups have been especially critical of their fellow farmers who produce sugar cane and sugar beets. According to the President's budget, corn farmers will receive almost $9 billion in government support for the 2004 crop alone. If sugar farmers received billions of dollars in government subsidies, they might produce a surplus like corn and be less concerned about increased imports.

I don't raise this issue in an effort to attack other Members' constituent industries; rather, like many of my colleagues, I am very concerned about Federal Government spending and the deficit. I just ask that those who are so quick to dismiss the concerns of my State's farmers be willing to take the same position of responsibility when you are called on to cut spending to your farmers. There has been a great deal of scrutiny of the sugar program in recent months. It is time we applied that scrutiny to other, high cost, farm programs as well, and all do our part to cut government spending.

Mr. STUPAK. Mr. Speaker, the late Pope John Paul said, "If globalization is ruled merely by the laws of the market applied to suit the powerful, the consequences cannot be but negative."

I agree with the late Pope John Paul. Trade is more than just economics. It's about peoples' lives and livelihoods. Our economic policies should create the rising tide that lifts all boats. Each decision we make must take into account the welfare and dignity of all people, but especially the poor and vulnerable who struggle daily to support themselves and their families.

When CAFTA is viewed through this moral framework, it is clear the agreement does not pass muster. That is why Pax Christi, Catholics for Faithful Citizenship and 34 other organizations (attached) of faith oppose CAFTA. If this agreement is enacted, the poor will get poorer and the rich will get richer.

The consequences of CAFTA will be felt by people throughout the Northern hemisphere—from the Michigan sugarbeet farmer trying to put food on the table for his family to the poor Dominican laborer in need of basic medicines.

The developing countries affected by CAFTA have an enormous need for better access to medication. Despite these compelling health needs, CAFTA would undermine their access to affordable medicine and potentially give billions of dollars worth of patent protections to drug companies.

Closer to home, the sugarbeet farmers in Michigan will be forced off their farms as the price of sugar plummets. Hourly workers at sugar refineries will find their jobs outsourced to other countries. These workers' and farmers' livelihoods will be ruined. We're not talking about big Agri-business here—we are talking about small farmers who will no longer be able to support themselves. We're talking about small businesses owners laying off their workforces.

I ask the Bush Administration and the Republican Leadership, "If enacted, can you imagine what kind of damage CAFTA would inflict on Michigan's sugar industry, which ranks fourth in the country?"

With a state sugar beet economy that spans 2,000 farms, employs thousands of people, and totals over $300 million annually, it doesn't take a genius to predict that flooding our market with sugar imports will strike a blow that may be unrecoverable.

The National Farmers Union, the National Family Farm Coalition, the Institute on Agriculture and Trade Policy, Michigan Sugar Company, and the Monitor Sugar Company—they understand the impact it will have on the sugar industry. Why doesn't the House Leadership pushing this bill get it? Or maybe they just don't care.

This bill is bad for sugar beet growers and bad for Michigan.

As Pope John Paul said, let's not strengthen the powerful at the expense of the less fortunate. That is what CAFTA will do—advance the financial interests of large multinational companies at the expense of the common good.

I cannot support an agreement that fails to protect the livelihood of so many families, in Michigan, the United States, and abroad. That is why I will vote "NO" on CAFTA.

Interfaith Working Group on Trade and Investment member organizations have mission workers and partner institutions in Central America who believe that DR–CAFTA will harm their families and communities. IWG members on record as opposing CAFTA include:

American Friends Service Committee, Center of Concern, Church of the Brethren Witness/Washington Office, Church World Service, Conference of Major Superiors of Men Religious, Columban Mission Center, Columban Office: Justice, Peace and Integrity of Creation, Congregation Justice Committee: Sisters of Holy Cross, Notre Dame, IN, Congregation of St. Joseph, Cleveland, Ohio, Office of Governmental Affairs (Evangelical Lutheran Church of America), Franciscan Sisters of Allegheny, New York, Holy Cross Institute Office, Institute Justice Team: Sisters of Mercy of the Americas, International Association of the Presentations, Leadership Conference of Women Religious, Lutheran World Relief, Maryknoll Office of Global Concerns.

Mennonite Central Committee: Washington Office, Medical Mission Sisters Alliance for Justice, Missionary Oblates: Justice, Peace and Integrity of Creation, National Council of Churches USA, NETWORK: A National Catholic Social Justice Lobby, Presbyterian Church (USA Washington Office), Religious Task Force on Central America and Mexico, SHARE Foundation, Sisters of Charity of St. Augustine: Social Concerns Committee, Sisters of Charity of Cincinnati, Sisters of Humility of Mary, Sisters of Notre Dame, Notre Dame, Indiana, Sisters of Notre Dame, Justice and Peace Office, United Church of Christ Justice and Witness Ministries, United Methodist Church: General Board of Church and Society, Unitarian Universalist Association of Congregations, Witness for Peace.

Mr BACA. Mr. Speaker, I rise in oposition to this bill.

I urge all of my colleagues to join me in standing up for America and our working families by rejecting CAFTA.

CAFTA is a bad deal: bad for workers and businesses in my district, bad for America, and bad for workers in Central America.

CAFTA would cause more job losses, more poverty and more hardship for workers both here at home and in Central America, while expanding the gap between rich and poor.

We all should have learned from the mistakes of NAFTA, which was passed 12 years ago and has hurt American workers.

Let's all keep in mind the saying, "Fool me once, shame on you. Fool me twice, shame on me."

After NAFTA, there should be no CAFTA.

When NAFTA was passed, many believed it would lead to higher wages and economic development in the U.S., Mexico and Canada and less illegal immigration.

Those hopes turned out to be false: Instead of helping American workers, NAFTA took away jobs. Instead of helping American businesses, many were forced to close down or move out of the country.

As we work hard to strengthen the American economy, we cannot afford a bad trade bill that is unfair to American workers.

CAFTA does not hold companies in other countries to the same standards. Workers in those countries do not have the same rights or protections. They do not have a voice and do not have safety standards.

Central American workers will be exploited. They will be expected to work like elephants and if they are not producing enough to satisfy their bosses, their jobs will be eliminated and replacements brought in.

We must not help or reward companies that prefer to exploit Central American workers in sweatshops instead of creating jobs in the U.S., hiring American workers and increasing wages.

It seems every day we read in the papers about another factory closing down. Since President Bush took office, 2.5 million manufacturing jobs have been lost. At least 750,000 American jobs have been lost directly due to NAFTA. And they are not coming back.

My constituents know about the impact of offshoring. We remember when Kaiser Steel closed its factory in Fontana, California, resulting in devastating job losses that hurt hundreds of workers, their families and their neighborhoods.

I am especially concerned about the harmful effect that CAFTA would have on Hispanic communities in the U.S. because we have seen that almost half (47%) of the American workers who lost jobs due to NAFTA were Latinos.

In addition to protecting American jobs, I want to protect our homeland security and I

am concerned that CAFTA would make us less secure. Our ports and borders are already vulnerable. Many shipments of cargo enter our country without inspection. Increasing shipments of goods from Central America could pose additional threats to our security.

I am disappointed that the Administration did not work closely with my colleagues in the Congressional Hispanic Caucus to propose an agreement that protects American workers and businesses.

Instead, the Administration is proposing an unacceptable trade deal that I cannot support.

Ms. DEGETTE. Mr. Speaker, having voted in favor of every free trade agreement considered during my tenure in Congress, I have been and continue to be an avid supporter of free trade. However, I cannot, in good faith, vote for the Central American Free Trade Agreement (CAFTA) as it stands today. Instead of helping to improve labor and environmental standards and increase the enforcement of those standards in Central America, CAFTA is a rubber stamp of the status-quo. CAFTA fails to strengthen existing labor and environmental laws and deliberately excludes meaningful penalties for Central American governments that fail to enforce such laws. What is worse, CAFTA removes the current ability of the United States to withdraw trade benefits when countries in the region refuse to improve labor and environmental standards. By removing this important—and proven—oversight mechanism, CAFTA could perversely weaken the few protections that exist for workers and the environment in Central America today.

CAFTA also includes an investment provision similar to North America Free Trade Agreement's (NAFTA) Chapter 11, which puts profits of multinational firms before the public safety and public health of citizens in the United States and in Central American countries. With CAFTA in its current form, the Administration makes its priorities clear: corporate need and greed above all else.

At the same time it leaves workers behind in Central America, CAFTA fails to help workers here at home. When drafting CAFTA, the Bush Administration refused to expand Trade Adjustment Assistance (TAA) to service workers who stand to lose from CAFTA, and similarly, it did not increase the amount of assistance for those workers who are currently eligible under the TAA program. More generally, this Administration repeatedly refuses to fund education and training programs that would help to ensure the future competitiveness of the American people.

It is unfortunate that I, along with my other like-minded Democrats who support free trade, do not have the opportunity to vote on a free and fair trade agreement with Central America. I believe that free, fair trade can be a powerful means to improve living standards abroad and to broaden economic opportunities for people here at home. Unfortunately, the Bush Administration negotiated this agreement behind closed doors without soliciting the bipartisan input of Congress. While the Administration has had numerous opportunities to make simple, but important changes to CAFTA, it has consistently refused, and instead, has insisted on supporting the deeply flawed agreement we have before us today—an agreement that I oppose in its current form.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 3045, to implement the Dominican Republic-Central America-United States Free Trade Agreement. While I favor expanding trade and eliminating restrictive tariffs and barriers, the DR–CAFTA agreement does not create a fair playing field for United States companies and workers to compete. I urge my colleagues to join me in rejecting H.R. 3045 and tell the Administration to renegotiate a more responsible trade agreement. We can do better.

For the DR–CAFTA countries, the agreement would permanently expand preferential market access for most goods. For us, DR–CAFTA would phase out duties on manufactured and agricultural goods over 10 to 20 years. The countries included in this trade agreement, the Dominican Republic, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, are of extreme strategic importance to us. We must not neglect our neighbors to the south, and improving economic ties to these countries should be a top priority. However, the DR–CAFTA agreement before us today is just as likely to hurt workers in these countries as it is to help them.

While a properly written agreement could mutually benefit companies and workers in all of the countries involved, this agreement avoids specific language to improve working conditions abroad. H.R. 3045 does not contain strong environmental or labor enforcement, which are the keys to fair trade. The agreement requires the DR–CAFTA countries to enforce their own laws, but it does not demand compliance with the International Labor Organization's core labor standards. Central America has among the worst working conditions in the world. In Nicaragua, for instance, more than 40 percent of the population lives on less than $1 per day, so the agreement could have vastly improved their living conditions. Instead, DR–CAFTA will likely continue the status quo of cheap labor and weak worker protections.

Likewise, DR–CAFTA does not require countries to meet any minimum standards on the environment or public health. DR–CAFTA countries have no restrictions on air or water quality, which creates unhealthy living conditions and damages the environment. If a country does not meet its own environmental laws, it could be fined up to $15 million, a stark contrast to intellectual property violations, which have unlimited fines under the agreement. On a level playing field, American workers can compete and win, but it is unfair for our companies to compete against a DR–CAFTA country that employs minors earning pennies per hour without the same air and water quality guidelines under which American companies operate.

In 2004, Rhode Island exported approximately $30 million to these countries, or 2 percent of the state's worldwide exports. This agreement is important to several companies in my district, but we must go back to the drawing board to ensure American companies and American jobs are not left behind. I urge my colleagues to join me in opposing H.R. 3045 and encouraging the Administration to renegotiate a more equitable agreement.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 3045, the implementing legislation for the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA). When big business calls, Republicans always answer, and today we vote on a gift to big business paid for by American and Central American workers.

The signatory countries inked this agreement 14 months ago. CAFTA is so unpopular that the Republicans were unwilling to bring it up for a vote before the 2004 elections. Now we're voting at the final hour with supporters relying on promised favors and twisted arms for victory. This is not the example we should be setting for growing democracies in Central America and around the world.

Beyond the example we set globally, this agreement does not include basic labor, environmental and public health standards.

Instead of forcing countries to meet basic environmental standards, the agreement allows them to enforce their own substandard environmental laws. If you have ever wanted to see the pristine beauty of the Costa Rican rain forest or Lake Atitlan in Guatemala you might want to book your tickets before the ''benefits'' of CAFTA begin to destroy these natural wonders.

''Enforce your own laws'' must be the favorite new saying in the Bush Administration because CAFTA applies this meaningless standard to labor rights as well. It would have been simple to require all CAFTA signatories to codify the International Labor Organization's core labor standards. But the Bush Administration doesn't care about workers rights as long as American companies have a cheap Central American labor pool to draw from. When Central American workers don't have the right to organize, or even the right to a safe workplace, at least the Bush Administration can take solace in the fact that they have sent them low-paying jobs that used to belong to hard-working Americans.

There are other egregious provisions in CAFTA, some written for Republican benefactors like the pharmaceutical industry. At the behest of PhRMA—the Pharmaceutical Research and Manufacturers Association—the Bush Administration negotiated a sweet deal for brand name drugs that will limit CAFTA countries' access to affordable generic alternatives.

The pharmaceutical industry will solely benefit from a provision to extend its monopolies to Central America. If this agreement is approved, the most profitable industry on the planet will get an additional five years to exploit the sick to maximize profits. This provision will raise the price of drugs for CAFTA-country residents and could limit their ability to provide more affordable generic drugs during public health emergencies.

In countries where people make two dollars a day, it is abhorrent to eliminate cheaper generics from the market and force workers to pay for expensive, brand name drugs.

Instead of voting on CAFTA today, we should be telling the Bush Administration to renegotiate. This is a bad agreement for America and for Central America. I urge all my colleagues to ignore the Majority's empty promises and arm-twisting and vote against this reprehensible free trade agreement.

Mr. DINGELL. Mr. Speaker, I rise in vigorous opposition to this so-called ''free trade'' agreement. It is a bad agreement- bad for US workers, bad for Central American workers, bad for small farmers, bad for the environment, and bad for our economy.

The proponents of this deal point not to facts, but to predictions. They talk about projected growth and theorize that our Central American neighbors will enjoy increased living standards and a better future.

We don't have to consult a crystal ball to see what effect CAFTA will have on the lives of American and Central American citizens. We have an example before us, it is called NAFTA. CAFTA is a junior version of NAFTA; it is quite literally the ''Son of NAFTA''.

Ask the people of Michigan, Ohio, North Carolina, Pennsylvania, Indiana, Oklahoma, or any other State that saw factories shuttered if they have benefited from NAFTA.

Ask the people of Mexico who have dirtier air, dirtier water, little collective bargaining rights, and are now watching their new factories close and move across the Pacific if they have benefited from NAFTA.

If you can look at the results of NAFTA and think our quality of life has improved; if you think there are more and better jobs post-NAFTA than before; if you think Mexico is on the verge of joining the ranks of the G–8, then CAFTA is the trade agreement for you.

Evaluate carefully the claims which will be made about CAFTA. For example, we have heard that CAFTA will open important markets for U.S. goods. Sound familiar? As we learned from NAFTA, if labor standards are not improved as part of these Agreements, few workers in these markets will be able to afford our goods.

We make cars and trucks in my home State of Michigan. American auto manufacturers are currently putting over $1,400 of health care costs into each American-made car. Yet the average Nicaraguan worker earns only about $2,300 a year. Yes, that's for an entire year.

While the rising health care burden on American manufacturing is an important issue for another day, it illustrates the absurdity of the claims that new markets will be flooded with American products. How many cars or computers can we reasonably expect to sell in these new markets?

Instead of raising the living standards of people in Central America, CAFTA will accelerate a race to the bottom. Instead of creating new, high value jobs in the United States, CAFTA will only replace good jobs with unemployment checks.

I urge all my colleagues not only to read the details of this deal, but also to look around. Look at the closed factories, talk to unemployed manufacturing workers, and remember the promise of NAFTA.

Mr. Speaker, in closing, I can think of no better distillation of my vote against CAFTA than the old saying, ''Fool me once, shame on you. Fool me twice, shame on me.'' I urge my colleagues not to be fooled again.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in unfortunate opposition to this DR–CAFTA agreement. represents a real missed opportunity for this Congress and this Administration to engage in a real meaningful negotiation to improve trade relations between the United States, the Central American countries, and the Dominican Republic. Unfortunately, this agreement represents a step backward from over 20 years worth of U.S. laws and enforcement efforts.

The pact falls short of the standards that any trade agreement America signs onto should meet: the broad fulfillment of America's economic interests, the opening of fair markets for America's goods and services and the reversal of America's ever-growing trade deficit. Whoever the winners, they're not the American or the Central American worker. I support free—and fair—trade, but that isn't what CAFTA will accomplish.

At a Chamber of Commerce meeting in my district, I was struck by the fact that many small manufacturers were outraged at the lack of focus by the Administration in protecting their industry and their jobs. In fact, had I closed my eyes I would have thought I was at an A.F.L.–C.I.O. rally. In a moment of candor, one of the manufacturers said, when large companies started downsizing their labor force and outsourcing their work to us we were silent, we couldn't conceive that it was only a matter of time before we too would be outsourced. When will the government do something about this race to the bottom?

That's how my district sees this, and I share their view. Unfortunately, this is a missed opportunity, an opportunity where frankly CAFTA countries told us they were more than willing to accept stronger provisions if they had only been asked to. Violations of international labor standards should not be held to a different standard than other violations on matters like intellectual property.

Supporters of CAFTA also point to the fact that labor standards and working conditions will be monitored by agencies like the International Labor Organization, part of the United Nations which established international labor standards and which verifies that these standards are met. I guess now with this trade agreement the Administration is running out of American Jobs to outsource and has moved on to official U.S. government functions. Since when are we are going to allow the United Nations to determine whether or not other counties are in compliance with our treaties?

In the typical ''bait and switch'' tactics of the Republican Majority, what they are not telling you here is that just a few weeks ago, they approved an $82 billion funding cut Proposed by President Bush to the principal agency that supports foreign labor standards technical assistance, virtually assuring that no oversight or enforcement will ever actually take place.

Jobs are now America's fastest-growing export. We should be exporting our values and market goods not our jobs. As the world's richest nation, we have a moral obligation to lift the standard of living of the world's poor. It is double-speak for the President to say he wants to promote democracy to the south of our borders but pushes a trade agreement that consigns subsistence workers to economic bondage and forces American businesses to compete on an uneven playing field.

This is the wrong trade agreement for the United States and for Central America. I urge my colleagues to vote no and send this treaty back to President Bush to be renegotiated.

Mr. EVERETT. Mr. Speaker, I rise today in support of H.R. 3045, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. Passage of this important legislation will give Alabama exporters greater access to Central American markets and bolster American security.

When I co-chaired the Republican anti-NAFTA task force in 1993 we were determined to defeat NAFTA, but we failed by a few votes. I remain convinced that NAFTA has been bad for my district and increased the Nation's trade deficit with Mexico. While CAFTA and NAFTA sound alike, the two trade agreements have substantial differences that cannot be overlooked. NAFTA exported thousands of jobs to Mexico, while dramatically increasing the flood of Mexican made products into the U.S. market. CAFTA, meanwhile, gives U.S. goods the same market access to Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua as those countries already enjoy here, thereby leveling the playing field for American exporters.

Ratifying CAFTA actually benefits the United States significantly more than it does Central America since those nations already have 90 percent duty-free access to our markets. CAFTA simply gives American companies and workers equal access to Central America. As such, Alabama agriculture and other industry will benefit from the ability to export more goods duty-free, resulting in lower prices and increased consumption in this area. Alabama ranks eighth among all U.S. states in exports to Central America and that is expected to grow with CAFTA's passage.

However, I did not give my support to this agreement without carefully considering several issues. First, I remain concerned about saving thousands of remaining textile jobs in Alabama and protecting agriculture and other industries in my district. Secondly, I have serious concerns over the return of leftist insurgencies in the struggling democratic countries that are a part of CAFTA and the harm that would do to our national security. Finally, I also have concerns about the threat of illegal immigration.

Most of the Alabama textile plants that survived the effects of NAFTA did so by establishing relationships with Central American partners who assemble Alabama-made components. This delicate balance would be upset if this relationship were not allowed to continue; ultimately forcing the remaining U.S. textile industry to Asia. CAFTA strengthens this beneficial arrangement by making these current trading arrangements permanent.

While I have consistently supported tougher immigration laws, the Congress has resisted approving some of these measures. Also, the Administration has not been as helpful as I would like in trying to solve the border security problem.

I am convinced that should CAFTA fail the illegal immigration flow into America would increase. Venezuelan president Hugo Chavez is using his country's vast oil money to create anti-American and anti-democratic upheaval in the countries affected by CAFTA. Should CAFTA fail and Chavez is successful in bringing down these fragile governments, thousands more would flood our borders seeking to escape new leftist regimes. Such an unstable situation would increase many times over our worry of terrorists crossing into the United States.

In summary, passage of CAFTA will provide a tremendous economic boost to our critical industrial base, support fledgling democracies in a crucial part of the world, and help stem the tide of illegal immigration into the U.S.

I urge all of my colleagues to support this measure.

Mrs. TAUSCHER. Mr. Speaker, I rise today to voice my strong opposition to the Dominican Republic-Central American Free Trade Agreement and intend to vote it against.

I am proud to be a pro-trade Democrat in Congress and am proud of my record—having supported every free trade agreement since I took office in 1997.

I voted in favor of granting the President Trade Promotion Authority in 2002 and voted against withdrawing from the World Trade Organization in 2000 and again earlier this year.

I am a longtime member, and the current chair of the New Democrat Coalition, a group of members who often support free trade. We see our role as a group of pro-business, pro-defense, and pro-trade leaning members who seek ways to open foreign markets to American goods and services. I also co-chair the Friends of New Zealand Caucus in the House, and hope we may soon see a free trade agreement with New Zealand.

Mr. Speaker, I believe that free trade, when organized properly, benefits our economy. It can only help to improve our relations with the other countries involved.

In the case of CAFTA, I want to see our Nation maintain close ties with our neighbors in Central America. Our economic security and our National security depend on cooperative relationships with our friends and allies.

However, in pursuing free trade, we must also consider the impact and direct effects the agreements will have on workers—both here and abroad.

And CAFTA fails to provide adequate protection.

It simply does not do enough to invest in basic job training and education for Americans—specifically those Americans who lose their jobs due to trade.

The current budget for Trade Adjustment Assistance is insufficient: the President's 2005 request was $300 million less than Congress authorized for FY 2004, despite the obvious needs for job training and retraining. What's worse, Mr. Speaker, is that CAFTA does not provide any TAA funds for service workers, who comprise 80 percent of today's American workforce and produce three-quarters of our products. When job training programs go under funded, American workers are at risk.

Furthermore, CAFTA is the first FTA negotiated by the United States with developing countries, some of which have weak labor laws and a history of suppressing the rights of their workers.

We need to do all in our power to ensure that this agreement helps these countries raise their working standards. Unfortunately, the labor chapter requires that each country simply enforce its existing laws. It does nothing to require the DR–CAFTA countries improve their laws to reflect fairness to working people. There are also no safeguards in the agreement to prevent countries to explicitly weakening their labor laws. This ''enforce your own laws'' standard is a giant step backwards. Under our current trade policy, the Caribbean Basin Initiative allows us to withdraw trade benefits from countries who violate the labor standards of the agreements they have signed. If CAFTA goes into effect, those remedies are wiped out and simply replaced with the ''enforce your own laws'' standard.

This labor agreement is simply unacceptable.

And finally Mr. Speaker, I feel compelled to say a word about the legislative process here in Congress. I would be remiss if I did not do so.

This Administration has made a habit of regularly excluding Democrats from the table during the negotiation and drafting of all major legislation. We saw this with the energy bill, the Medicare prescription drug bill, and again with CAFTA. We were not consulted at all on this FTA.

We all have valid ideas and concerns worthy of discussion regarding improving international market economies and they need to be fully and fairly debated. That did not happen with CAFTA. We were not engaged. I thought that at some point in the process members of the New Democrat Coalition would be consulted, as we generally support free trade. However, I was wrong. There was no outreach from House leaders or from the President to us.

One would think that after the passage of Trade Promotion Authority in 2002—by a 3 vote margin—a clear signal was sent to the Administration that passing free trade agreements will not be easy. Everyone ought to be at the table. Instead of heeding past warnings, they have continued to make a habit of regularly excluding Democrats. CAFTA has been no exception.

As a result of poor negotiations with the Democrats and a lack of steady involvement by the President with members of his own party, on the day of the CAFTA vote, President Bush made an eleventh hour trip to Congress to twist arms in hopes of squeaking out the minimum number of votes needed to pass this agreement.

Mr. Speaker, trade should not be a Republican or Democrat issue. It is an American issue. Passing trade agreements by one or two votes, in the dead of night when both the American and Central American people are sleeping, is not the way to have a responsible trade policy.

Both the people of Central America and workers here in the United States deserve better.

Mr. WAXMAN. Mr. Speaker, It is with great disappointment that I rise in opposition to CAFTA. I support free trade. Trade agreements are an important tool to strengthen ties with strategic partners, expand opportunities for American industry, and improve the standard of living. Unfortunately, I believe that this agreement will do more harm than good.

Among my chief concerns, the agreement perpetuates weak and unenforced labor and environmental standards. The failure to raise these standards will hurt Central Americans and create unfair competition for American workers.

CAFTA would also allow foreign companies to bypass the U.S. court system and challenge Federal, State and local laws and regulations through a veiled and unaccountable trade tribunal.

But, today I would like to focus my remarks on a major issue that unfortunately has gotten relatively little attention in this debate, which is that CAFTA will seriously impede access to essential medicine in poor developing countries.

In June, the minority staff on the Government Reform Committee released a report entitled ''Trade Agreements and Access to Medications Under the Bush Administration.'' The complete report is available at *www.democrats.reform.house.gov* and I would ask unanimous consent that the Executive Summary be printed in the CONGRESSIONAL RECORD.

The alarming conclusion the report reached is that under CAFTA, patients in poor countries will often have to wait longer than those in the United States to gain access to generic drugs.

Specifically, CAFTA would block governments from approving the sale of generic drugs for at least five years after a new drug is introduced, even if the drug's patent has already expired. The agreement would also inhibit generic competition with patent extensions and other measures that will make it harder for drug regulators to approve generic drugs.

The impact will be devastating in the developing world where large poor and uninsured populations cannot afford brand name drugs. For many patients suffering from diseases like AIDS, tuberculosis, heart disease and cancer, waiting five years to afford new cures will mean the difference between life and death.

In reality, the pharmaceutical companies actually stand to gain little from these protections in a region of the world that barely represents one half of one percent of the global drug market. But the companies view this trade agreement as a cookie cutter model for USTR to negotiate with all countries regardless of the consequences.

The Bush Administration has boldly advanced the pharmaceutical agenda, claiming that the provisions are merely an extension of a U.S. law known as Hatch-Waxman. As an author of that legislation, I could not disagree more.

Hatch-Waxman was a carefully crafted measure that reflects both the need to promote innovation and the need to facilitate generic competition. In contrast, CAFTA does not establish a proper balance between the interests of the drug companies and consumers, between intellectual property rights and the human rights of patients.

It is reckless and dangerous to force our partners in the developing world to trade away their timely access to inexpensive, lifesaving medications.

It is irresponsible for the United States to undermine its commitment to the 2001 Doha Declaration, which expressly called for trade rules to respect public health needs.

It is wrong for CAFTA to advance the financial interests of large multinational drug companies at the expense of the developing world's ability to address public health problems.

If we defeat CAFTA today, we can put pressure on the Bush Administration to change course. Then we can vote on an agreement that is both ethically and economically sound.

EXECUTIVE SUMMARY

In 2001, 142 countries, including the United States, adopted ''the Doha Declaration,'' an international agreement that trade obligations should be interpreted and implemented in ways that protect public health and access to essential medications. In August 2002, the U.S. Congress passed the Trade Promotion Authority Act, which directs adherence to the Doha Declaration in U.S. trade negotiations.

Since the adoption of the Doha Declaration and the passage of the Trade Promotion Authority Act, the Bush Administration has signed and Congress has ratified bilateral free trade agreements with three developing countries: Chile, Singapore, and Morocco. The Administration has signed one regional free trade agreement, commonly referred to as CAFTA, with five Central American nations and the Dominican Republic, and a bilateral agreement with Bahrain. Six more free trade agreements with 13 developing countries have been initiated, including a proposed agreement with four Andean nations. Negotiations have also continued on the Free Trade Agreement of the Americas (FTAA).

At the request of Rep. Henry A. Waxman, this report examines whether the Administration is complying with the Doha Declaration in its pursuit of these trade agreements. The report finds that contrary to the Doha Declaration, U.S. trade negotiators have repeatedly used the trade agreements to restrict the ability of developing nations to acquire medicines at affordable prices. In effect, the President's trade representatives have elevated the protection of pharmaceutical patents above the pressing health needs of developing countries.

Specifically, the report finds that the agreements:

Delay approval of generic drugs. CAFTA and the other four signed trade agreements, as well as the Andean proposal and FTAA draft, contain provisions that block the approval of inexpensive generic drugs until the more expensive brand-name drug has received at least five years of market exclusivity in the developing nation. Under the agreements, the developing nations will often have to wait longer than the United States to gain access to low-cost versions of essential medications.

Require patent extensions. CAFTA and the other four signed trade agreements, as well as the Andean proposal, require the developing nations to grant patent extensions to the manufacturers of brand-name drugs to account for delays in the regulatory approval process in the developing nation. These provisions can extend the term of patents in the developing nations beyond their duration in the United States.

Link drug approval to patent status. CAFTA and the other four signed trade agreements, as well as the Andean proposal and the FTAA draft, require drug regulatory authorities in the developing nations to adjudicate patents despite their lack of expertise in the area of patent enforcement, placing an additional constraint on the approval and availability of low-cost generics.

Restrict compulsory licensing. The Singapore agreement, the Andean proposal, and the FTAA draft limit the circumstances under which developing nations can issue compulsory licenses authorizing generic manufacturers to produce low-cost versions of patented drugs.

Prohibit parallel importation. The trade agreements with Morocco and Singapore, as well as the Andean proposal and the FTAA draft, prevent the developing nations from importing patented drugs from abroad at the lowest available price.

Expand patent protections. The Andean proposal has a provision that would require the Andean nations to issue patents for diagnostic, therapeutic, and surgical methods that are currently exempted from patentability.

Taken together, these trade provisions will significantly impede the ability of developing countries to obtain access to inexpensive, lifesaving medications. Contrary to the principles of the Doha Declaration, these provisions in the trade agreements advance the financial interests of large multinational drug companies at the expense of the developing world's ability to address public health problems.

Ms. HARMAN. Mr. Speaker, Congress debated the North American Free Trade Agreement in 1993, I wrote an op-ed titled "Not This Treaty, Not Now," arguing that NAFTA's time had not come, that the U.S. and Canada should require Mexico to meet certain preconditions before agreeing to the trade deal. Over the objections of those who argued NAFTA should be used to leverage reforms in Mexico, it passed without enforceable provisions to protect labor rights or the environment. Supporters of the agreement insisted NAFTA would create millions of good jobs, help stem illegal immigration and raise living standards "from the Yukon to the Yucatan."

A decade later, NAFTA's promise is largely unrealized. Environmental conditions in Mexico have worsened, real wages have stagnated, the income disparity between the U.S. and Mexico has widened, and illegal immigration shows no signs of slowing. Clearly, NAFTA is not all that advocates claimed.

The broken promises of NAFTA should serve as a warning, and cast doubt on similar claims that the recently negotiated Central American Free Trade Agreement (CAFTA) will do what NAFTA has not.

Our Central American neighbors have made real economic and political progress in recent years, and the U.S. should work to re-enforce that progress. But as with NAFTA, CAFTA brings together countries with greatly varying labor and environmental standards and enforcement methods. This disparity necessitates strong and enforceable provisions to protect workers and the environment. As did NAFTA, CAFTA comes up short.

CAFTA's penalties for failing to enforce labor and environmental laws provide no real deterrent against future abuses; it offers no incentives to improve standards over time. In fact, CAFTA weakens labor protections by removing an existing oversight mechanism available under our current system of trade preferences for the region.

CAFTA also incorporates NAFTA's troubling Chapter 11 provisions, which effectively give foreign investors the right to challenge U.S. health, safety and environmental laws. California has been at the forefront of efforts to protect its communities from air and water pollution, yet CAFTA gives foreign investors the right to challenge our state law if it affects their commercial interests.

Free and fair trade can lift living standards both at home and abroad, encourage technological innovation, create jobs and empower individuals. But each agreement must be considered on its merits. Bilateral agreements with Chile, Singapore, Jordan, and Australia; normal trade relations with China; and renewal of "fast track" approval were issues I supported.

But trade is not fair if desperate people are forced to work in hazardous conditions or communities are forced to bear the costs of environmental degradation. In the context of lax enforcement of labor and environmental regulations, free trade can provide perverse incentives to impose the costs of production onto workers, communities and the environment. Such incentives serve neither the economic interests of the U.S. nor our trading partners.

Mr. Speaker, with respect to CAFTA, I echo my refrain from 10 years ago: "Not this treaty, and not now."

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 386, the bill is considered read, and the previous question is ordered.

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.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on H.R. 3045 will be followed by a 5-minute vote on suspending the rules on H. Res. 308.

The vote was taken by electronic device, and there were—ayes 217, noes 215, not voting 2, as follows:

[Roll No. 443]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cooper
Cox
Crenshaw
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tanner
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—215

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Foxx
Frank (MA)
Garrett (NJ)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Norwood
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
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
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

Davis, Jo Ann
Taylor (NC)

□ 0003

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

So the bill was passed.

The result of the vote was announced as above recorded.

SUPPORTING GOALS OF NATIONAL MARINA DAY AND URGING MARINAS CONTINUE PROVIDING ENVIRONMENTALLY FRIENDLY GATEWAYS TO BOATING

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 308.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and agree to the resolution, H. Res. 308, 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 385, nays 0, not voting 48, as follows:

[Roll No. 444]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
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
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—48

Baker
Bass
Blunt
Boucher
Brady (TX)
Buyer
Carson
Clay
Cramer
Cubin
Cunningham
Davis, Jo Ann
Dicks
Dingell
Edwards
Garrett (NJ)
Goode
Gordon
Grijalva
Gutknecht
Hefley
Hinojosa
Holden
Istook
Jefferson
Jenkins
Markey
McHugh
Meeks (NY)
Miller, Gary
Murtha
Norwood
Otter
Oxley
Reyes
Salazar
Simpson
Skelton
Stark
Stearns
Tancredo
Taylor (NC)
Thornberry
Towns
Velázquez
Whitfield
Wilson (SC)
Young (FL)

□ 0011

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.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3045.

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

There was no objection.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3283.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. DREIER (during consideration of H.R. 3045), from the Committee on Rules, submitted a privileged report (Rept. No. 109–198) on the resolution (H. Res. 392) waiving points of order against the conference report to accompany the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER (during consideration of H.R. 3045), from the Committee on Rules, submitted a privileged report (Rept. No. 109–199) on the resolution (H. Res. 393) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. DREIER (during consideration of H.R. 3045), from the Committee on Rules, submitted a privileged report (Rept. No. 109–200) on the resolution (H. Res. 394) waiving points of order against the conference report to accompany the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER (during consideration of H.R. 3045), from the Committee on Rules, submitted a privileged report (Rept. No. 109–201) on the resolution (H. Res. 394) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. DREIER (during consideration of H.R. 3045), from the Committee on Rules, submitted a privileged report (Rept. No. 109–202) on the resolution (H. Res. 396) waiving points of order against the conference report to accompany the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REAPPOINTMENT AS MEMBER TO NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

The SPEAKER pro tempore. Pursuant to section 306(k) of the Public Health Service Act (42 U.S.C. 242k), and the order of the House of January 4, 2005, the Chair announces the Speaker's reappointment of the following member on the part of the House to the National Committee on Vital and Health Statistics for a term of 4 years:

Mr. Jeffrey S. Blair, Albuquerque, New Mexico

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 47. An act to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Resources.

S. 52. An act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah; to the Committee on Resources.

S. 54. An act to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Resources.

S. 56. An act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes; to the Committee on Resources.

S. 97. An act to provide for the sale of bentonite in Big Horn County, Wyoming; to the Committee on Resources.

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation; to the Committee on Resources.

S.128. An act to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

S.136. An act, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes; to the Committee on Resources; 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.

S.152. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Resources.

S.153. An act to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor, and for other purposes, to the Committee on Resources.

S.176. An act to extend the deadline for commencement of construction of a hydrolectric project in the State of Alaska; to the Committee on Energy and Commerce.

S. 178. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes: to the Committee on Resources.

S. 182. An act to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Resources.

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes; to the Committee on Resources.

S. 205. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Resources.

S. 207. An act to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Resources.

S. 212. An act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Resources.

S. 214. An act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Resources.

S. 225. An act to direct the Secretary of Agriculture to undertake a program to reduce the risks from an mitigate the effects of avalanches on recreational users of public land; to the Committee on Resources; in addition to the Committee on Agriculture and to the Committee on Government Reform 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.

S.229. An act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project and for other purposes; to the Committee on Resources.

S. 231. An act to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon,

and for other purposes; to the Committee on Resources.

S. 232. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes; to the Committee on Resources.

S. 243. An act to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Resources.

S. 244. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; to the Committee on Energy and Commerce.

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Resources.

S. 253. An act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; to the Committee on Resources.

S. 263. An act to provide for the protection of paleontological resources on Federal lands, and for other purposes, to the Committee on Resources; in addition to the Committee on Agriculture 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.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; to the Committee on Resources.

S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota; to the Committee on Resources.

S. 279. An act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction; to the Committee on Resources.

S. 285. An act to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Energy and Commerce.

S. 301. An act to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Resources.

S. 442. An act to provide for the Secretary of Homeland Security to be included in the line of Presidential succession; to the Committee on the Judiciary.

S. 706. An act to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota; to the Committee on Transportation and Infrastructure.

S. 1480. An act to establish the treatment of actual rental proceeds from leases of land acquired under an Act providing for loans to Indian tribes and tribal corporation; to the Committee on Resources.

S. 1481. An act to amend the Indian Land Consolidation Act to provide for probate reform; to the Committee on Resources.

S. 1482. An act to amend the Act of August 9, 1955, to provide for binding arbitration for Gila River Indian Community Reservation Contracts; to the Committee on Resources.

S. 1483. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to modify the definition of ''Indian student count''; to the Committee on Education and the Workforce.

S. 1484. An act to amend the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990; to the Committee on Resources.

S. 1485. An act to amend the Act of August 9, 1955, to extend the authorization of certain leases; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic River System.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 794. An act to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes.

H.R. 1046. An act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

H.R. 3453. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 544. An act 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 effect patient safety.

ADJOURNMENT

Mr. WALDEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes a.m.), the House adjourned until today, Thursday, July 28, 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:

3306. A letter from the Chief, Regulatory Analysis & Development, APHIS, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No. 04-068-1] received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3307. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

3308. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

3309. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

3310. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Harry D. Raduege, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3311. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Deposit Insurance Coverage; Accounts of Qualified Tuition Savings Programs Under Section 529 of the Internal Revenue Code (RIN: 3064-AC90) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3312. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the System's final rule—Truth in Savings [Regulation DD; Docket No. R-1197] received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3313. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Certain Broker-Dealers Deemed Not To Be Investment Advisors [Release Nos. 34-51523; IA-2376; File No. S7-25-99] (RIN: 3235-AH78) received April 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3314. A letter from the Attorney, Office of Legislation and Regulatory Law, OS, Department of Energy, transmitting the Department's final rule—Policy on Research Misconduct (RIN: 1901-AA89) received July 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3315. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule—Amendment to the Interim Final Regulation for Mental Health Parity [CMS-4094-F3] (RIN: 0938-AN22) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3316. A letter from the Assistant Secretary, DIM, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for EDGAR System [Release Nos. 33-8590; 34-52052; 35-28002; 39-2437; IC-26990 File No. S7-16-04] (RIN: 3235-AH79) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3317. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Colombia for defense articles and services (Transmittal No. 05-34), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3318. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of

a proposed license for the export of major defense articles or defense services sold commercially to Russia and Kazakhstan (Transmittal No. DDTC 026-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3319. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense articles or defense services sold commercially to Luxembourg (Transmittal No. DDTC 011-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3320. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-29, ''Waiver of Restrictions on Providing Funds to the Palestinian Authority,'' pursuant to Section 552, Section 515, and Section 529 of the FY 2004 Foreign Operations, Export Financing, and Related Programs Appropriations Act; to the Committee on International Relations.

3321. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-134, ''Uniform Real Property Electronic Recording Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3322. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-133, ''Abatement of Nuisance Construction Projects Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3323. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-136, ''Closing of Patricia Harris Drive, N.E., in Square 4325, S.O. 03-5187, Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3324. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-135, ''Removal from the Permanent System of Highways, Savannah Street, S.E., and the Dedication of Land for Street Purposes (S.O. 04-8736) Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3325. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-139, ''Tobacco Settlement Model Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-138, ''Utility Taxes Technical Corrections Temporary Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3327. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-137, ''Qualified Zone Academy Bond Project Forward Commitment Approval Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-132, ''Nuisance Properties Abatement Reform Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3329. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-131, ''Summer Youth Employment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3330. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's ''Major'' final rule—Federal Acquisition Circular 2005-04—received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3331. A letter from the Federal Liason Officer, PTO, Department of Commerce, transmitting the Department's final rule—Revision of Search and Examination Fees for Patent Cooperation Treaty Applications Entering the National Stage in the United States [Docket No. 2005-P-052] (RIN: 0651-AB64) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3332. A letter from the Chief Counsel, BPD, Department of Treasury, transmitting the Department's final rule—U.S. Treasury Securities: State and Local Government Series—received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3333. A letter from the Chief Counsel, BPD, Department of Treasury, transmitting the Department's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds—Bidder Definitions [Docket No. BPD GSRS 05-02] received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3334. A letter from the Assistant Chief, Regulations and Procedures, ATTTB, Department of Treasury, transmitting the Department's final rule—Liquor Dealers; Recodification of Regulations; Administrative Changes Due to the Homeland Security Act of 2002 (2004R-258T) [T.D. TTB-25] (RIN: 1513-AA19) received April 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3335. A letter from the Assistant Chief, Regulations and Procedures, ATTTB, Department of Treasury, transmitting the Department's final rule—Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities [T.D. TTB-26] (RIN: 1513-AA99) received April 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3336. A letter from the Asst. Chief, Regulations and Procedures, ATTTB, Department of Treasury, transmitting the Department's final rule—Establishment of the Horse Heaven Hills Viticultural Area (2002R-103P) [T.D. TTB-28; Re: Notice No. 27] (RIN: 1513-AA91) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3337. A letter from the Asst. Chief, Regulations and Procedures, ATTTB, Department of Treasury, transmitting the Department's final rule—Establishment of the High Valley Viticultural Area (2003R-361P) [T.D. TTB-30; Re: Notice No. 28] (RIN: 1513-AA79) received July 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3338. A letter from the Asst. Chief, Regualtions and Procedures, ATTTB, Department of Treasury, transmitting the Department's final rule—Establishment of Alexandria Lakes Viticultural Area (2002R-152P) [T.D. TTB-29; Re: Notice No. ATF-967] (RIN: 1513-AA45) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3339. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Allocation of Income and Deductions Among Taxpayers (Rev. Rul. 2005-43) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3340. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability (Rev. Proc.) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3341. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-38) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3342. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects [Notice 2005-48] received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3343. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Uniform Capitalization of Costs (Rev. Rul. 2005-42) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3344. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Last-In, First-Out Inventories (Rev. Rul. 2005-37) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3345. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Election Out of GST Deemed Allocations [TD 9208] (RIN: 1545-BB54) received June 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3346. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Termination of Tobacco Quotas and Price Support Programs [Notice 2005-51] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3347. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and in Methods of Accounting (Rev. Proc. 2005-35) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3348. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Items of General Interest [Announcement 2005-37] received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3349. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters (Rev. Proc. 2005-40) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3350. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneus (Notice 2005-52) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3351. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Classification of Certain Foreign Entities [TD 9197] (RIN: 1545-BD78) received April 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3352. A letter from the Acting Chief, Publications and Regulations, Internal Revenue

Service, transmitting the Service's final rule—Withholding Exemptions [TD 9196] (RIN: 1545-BE21) received April 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3353. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves (Rev. Rul. 2005-29) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3354. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Domestic Abusive Trust Schemes [UIL No: 671. 00-00] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3355. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Media Rights Acquired in Connection with a Sports Franchise [UIL 167.03-03] received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3356. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes [Notice 2005-44] received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3357. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Extension of the Expiration Date for Several Body System Listings [Regulation No. 4] (RIN: 0960-AG27) received June 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3358. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Revised Medical Criteria for Evaluating Genitourinary Impairments [Regulation No. 4] (RIN: 0960-AF30) received July 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3359. A letter from the Secretary, Department of Agriculture, transmitting a legislative proposal entitled, ''To provide for greater efficiency in the management and realignment of administrative sites on the National Forest System''; jointly to the Committees on Agriculture and Resources.

3360. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that implemenation of the FY 2005 International Military Education and Training (IMET) program requires revision to the level justified in the FY 2005 Congressional Budget Justification for Foreign Operations in Iraq, pursuant to 108–447, section 515; jointly to the Committees on International Relations and Armed Services.

3361. A letter from the Acting General Counsel, Department of Commerce, transmitting a draft bill entitled, ''Marine Mammal Protection Act Amendments of 2005''; jointly to the Committees on Resources, the Judiciary, and International Relations.

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. BARTON: Committee of Conference. Conference report on H.R. 6. A bill to ensure jobs for our future with secure, affordable, and reliable energy (Rept. 109–190). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. H.R. 1132. A bill to provide for the establishment of a controlled substance monitoring program in each State; with an amendment (Rept. 109–191). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. 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; with an amendment (Rept. 109–192). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 208. Resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society (Rept. 109–193). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 336. Resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out'', which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security (Rept. 109–194). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 216. Resolution expressing the sense of the Congress that, as Congress observes the 40th anniversary of the Voting Rights Act of 1965 and encourages all Americans to do the same, it will advance the legacy of the Voting Rights Act of 1965 by ensuring the continued effectiveness of the Act to protect the voting rights of all Americans (Rept. 109–195). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 378. Resolution recognizing and honoring the 15th anniversary of the signing of the Americans with Disabilities Act of 1990 (Rept. 109–196 Pt. 1). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. 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; with an amendment (Rept. 109–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 392. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–198). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 393. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–199). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 394. Resolution waiving points of order against consideration of the conference report to accompany the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy (Rept. 109–200). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 395. Resolution providing for consideration of motions to suspend the rules (Rept. 109–201). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 396. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–202). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Education and the Workforce, Energy and Commerce and Transportation and Infrastructure discharged from further consideration. House Resolution 378 referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. SANDERS, Mr. FRANK of Massachusetts, and Ms. LEE):

H.R. 3449. A bill to extend the protections of the Truth in Lending Act to overdraft protection programs and services provided by depository institutions, to require customer consent before a depository institution may initiate overdraft protection services and fees, to enhance the information made available to consumers relating to overdraft protection services and fees, to prohibit systematic manipulation in the posting of checks and other debits to a depository account for the purpose of generating overdraft protection fees, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. PAYNE, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SABO, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Ms. WATSON, Mr. LYNCH, and Ms. KILPATRICK of Michigan):

H.R. 3450. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Ms. HART:

H.R. 3451. A bill to amend the Internal Revenue Code of 1986 to provide for the use of redevelopment bonds for environmental remediation; to the Committee on Ways and Means.

By Mr. TURNER (for himself, Mr. OXLEY, Mr. NEY, Mr. HOBSON, Mr. BOEHNER, Mrs. JONES of Ohio, Mr. KUCINICH, and Mr. BROWN of Ohio):

H.R. 3452. A bill to amend the Internal Revenue Code of 1986 to treat regional income tax collection agencies as States for purposes of confidentiality and disclosure requirements relating to tax returns and return information; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3453. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on

Ways and Means, Resources, and Science, 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. ANDREWS:

H.R. 3454. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3455. A bill to amend the Real Estate Settlement Procedures Act of 1974 to provide for homeowners to recover treble damages from mortgage escrow servicers for failures by such servicers to make timely payments from escrow accounts for homeowners insurance, taxes, or other charges, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 3456. A bill to amend title 28, United States Code, to provide for individuals serving as Federal jurors to continue to receive their normal average wage or salary during such service; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 3457. A bill to amend title 38, United States Code, to provide for World War II veterans to be in the same priority category for health care services from the Department of Veterans Affairs as World War I veterans; to the Committee on Veterans' Affairs.

By Mr. ANDREWS (for himself and Mr. FOLEY):

H.R. 3458. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3459. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3460. A bill to amend the Internal Revenue Code of 1986 to allow married individuals who are legally separated and living apart to exclude from gross income the income from United States savings bonds used to pay higher education tuition and fees; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3461. A bill to amend the Internal Revenue Code of 1986 to exempt from income tax the gain from the sale of a business closely held by an individual who has attained age 62, and for other purposes; to the Committee on Ways and Means.

By Mr. BISHOP of Utah:

H.R. 3462. A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, Mr. CULBERSON, Mr. OTTER, Mr. HERGER, Mr. GIBBONS, and Mr. WALDEN of Oregon):

H.R. 3463. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per centum of the proceeds of the sale of public land lying within said States as provided by their respective Enabling Acts; to the Committee on Resources.

By Mr. BISHOP of Utah (for himself, Mr. HERGER, and Mr. CANNON):

H.R. 3464. A bill to authorize the Secretary of the Interior to make payments to Western States for education improvement; to the Committee on Resources, 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. BLUNT (for himself and Mr. HOYER):

H.R. 3465. A bill to amend title 49, United States Code, to increase penalties for pilots who violate flight restrictions established for the National capital region airspace; to the Committee on Transportation and Infrastructure.

By Mr. BOSWELL:

H.R. 3466. A bill to authorize the Speaker of the House of Representatives and the President Pro Tempore of the Senate to make appropriate arrangements for the presentation, on behalf of Congress, of gold medals to the Meskwaki Code Talkers in recognition of their contributions to the Nation during World War II, and for other purposes; to the Committee on Financial Services.

By Mr. CASE:

H.R. 3467. A bill to amend the adjusted gross income limitation on participation in conservation programs administered by the Department of Agriculture to exempt producers operating in the State of Hawaii; to the Committee on Agriculture.

By Mr. CASE:

H.R. 3468. A bill to recognize the unique ecosystems of the Hawaiian islands and the threat to these ecosystems posed by non-native plants, animals, and plant and animal diseases, to require the Secretary of Agriculture and the Secretary of the Interior to expand Federal efforts to prevent the introduction in Hawaii of non-native plants, animals, and plant and animal diseases, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. CASE:

H.R. 3469. A bill to prohibit the import, export, and take of certain coral reef species, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas):

H.R. 3470. A bill to strengthen the accountability of the child welfare system in its mandate to ensure the safety, permanence, and well-being of children who are victims of abuse and neglect; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas):

H.R. 3471. A bill to help children make the transition from foster care to self-sufficiency by addressing weaknesses in the implementation of the John H. Chafee Foster Care Independence Program; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. EDWARDS, Mr. RANGEL, Mr. PALLONE, Mr. MCGOVERN, Ms. DELAURO, Mr. DAVIS of Illinois, and Ms. WASSERMAN SCHULTZ):

H.R. 3472. A bill to amend title 10, United States Code, to enhance the protection of members of the Armed Forces and their spouses from unscrupulous financial services sales practices through increased consumer education, and for other purposes; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 3473. A bill to amend the Occupational Safety and Health Act of 1970 to apply to Federal and State government employers; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, 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. GUTIERREZ (for himself and Ms. CORRINE BROWN of Florida):

H.R. 3474. A bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009; to the Committee on Veterans' Affairs.

By Mr. HONDA:

H.R. 3475. A bill to require the prompt review by the Secretary of the Interior of Petition No. 120 for Federal recognition of the Amah Mutsun of Mission San Juan Bautista as an Indian tribe, and for other purposes; to the Committee on Resources.

By Mr. HOYER:

H.R. 3476. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

By Mr. JINDAL:

H.R. 3477. A bill to direct the Secretary of Homeland Security to develop a plan for establishing consolidated and co-located regional offices for the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. JONES of North Carolina:

H.R. 3478. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Mr. MENENDEZ, Mr. MCINTYRE, and Mr. DAVIS of Tennessee):

H.R. 3479. A bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 3480. A bill to direct the President to withdraw from the Dominican Republic-Central America-United States Free Trade Agreement; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. HIGGINS, and Ms. SLAUGHTER):

H.R. 3481. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the energy employees occupational illness compensation program; to the Committee on the Judiciary, 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 Ms. ROYBAL-ALLARD:

H.R. 3482. A bill to amend the Fair Labor Standards Act of 1938 to increase penalties for violations of child labor laws, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas:

H.R. 3483. A bill to suspend temporarily the duty on certain footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3484. A bill to suspend temporarily the duty on certain athletic footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3485. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3486. A bill to suspend temporarily the duty on certain footwear for men; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3487. A bill to suspend temporarily the duty on certain rubber or plastic footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3488. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3489. A bill to suspend temporarily the duty on certain athletic footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3490. A bill to suspend temporarily the duty on certain rubber or plastic footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3491. A bill to suspend temporarily the duty on certain leather footwear; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. FRANK of Massachusetts, Mrs. MCCARTHY, and Ms. LEE):

H.R. 3492. A bill to amend the Truth in Lending Act to protect consumers from unfair practices of credit card issuers, and for other purposes; to the Committee on Financial Services.

By Mr. SPRATT (for himself, Mr. BROWN of South Carolina, Mr. INGLIS of South Carolina, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, and Mr. CLYBURN):

H.R. 3493. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H. Con. Res. 219. Concurrent resolution expressing the sense of Congress regarding enhanced security for Taiwan; to the Committee on International Relations.

By Mr. DOOLITTLE:

H. Con. Res. 220. Concurrent resolution expressing the sense of the Congress on the fourth anniversary of the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Government Reform, and in addition to the Committees on Transportation and Infrastructure, and 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.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. ROHRABACHER, Mr. TANCREDO, and Mr. CULBERSON):

H. Con. Res. 221. Concurrent resolution expressing the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H. Con. Res. 222. Concurrent resolution supporting the goals and ideals of National Pregnancy and Infant Loss Remembrance Day; to the Committee on Government Reform.

By Mrs. LOWEY:

H. Con. Res. 223. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of Helen Hayes; to the Committee on Government Reform.

By Mr. HASTINGS of Washington:

H. Res. 391. A resolution that there is hereby established a Task Force on Ocean Policy; to the Committee on Rules.

By Mrs. DAVIS of California (for herself and Mr. FORBES):

H. Res. 397. A resolution congratulating the Navy basketball team for winning the 2005 Armed Forces Basketball Championship; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

66. The SPEAKER presented a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 277 urging the Congress of the United States to stop cuts in agriculture-related programs and initiatives in the Fiscal Year 2006 federal budget; to the Committee on Agriculture.

67. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution 7 memorializing the Congress of the United States to take appropriate action so that funding to the Joint Manufacturing Center in Lima, Ohio, is not reduced through the Base Realignment and Closure process; to the Committee on Armed Services.

68. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 11 memorializing the Congress of the United States to take appropriate action so that Wright-Patterson Air Force Base is excluded from the list of base closure for the Base Realignment and Closure process; to the Committee on Armed Services.

69. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 12 memorializing the Congress of the United States to take appropriate action so that the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center in Cleveland are excluded from the list of base closure for the Base Realignment and Closure process; to the Committee on Armed Services.

70. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 13 memorializing the Congress of the United States to take appropriate action so that the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

71. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 90 memorializing the Congress of the United States to inquire into the status of and pursue the expeditious resolution of the third nomination for the Medal of Honor of U.S. Army Colonel David H. Hackworth; to the Committee on Armed Services.

72. Also, a memorial of the General Assembly of the State of Ohio, relative to Seante Concurrent Resolution No. 10 memorializing the Congress of the United States to take appropriate action so that the 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport in Springfield, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

73. Also, a memorial of the General Assembly the State of Ohio, relative to Senate Concurrent Resolution No. 9 memorializing the Congress of the United States to take appropriate action so that the 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport is excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

74. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 457 urging the Congress of the United States to consider the importance of this installation in this time of war on terrorism and the vital need to protect our Nation; to the Committee on Armed Services.

75. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 904 memorializing the Congress of the United States to continue its support and advocacy for the Portsmouth Naval Shipyard in Kittery, Maine; to the Committee on Armed Services.

76. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 10 memorializing the Congress of the United States to take appropriate action so that the 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport in Springfield, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

77. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No.9 memorializing the Congress of the United States to take appropriate action so that the 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport is excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

78. Also, a memorial of the General Assembly of the State of Tennessee, relative to House Joint Resolution 146 memorializing the Congress of the United States to enact legislation to posthumously award First Lieutenant Garlin Murl Conner, United States Army, a much deserved Medal of Honor; to the Committee on Armed Services.

79. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 3 urging the President of the United States and the Congress of the United States to support federal policies designed to eliminate homelessness in the United States; to the Committee on Financial Services.

80. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 77 urging the United States Congress not to cut federal community development block grant funding as proposed by the administration in the 2006 fiscal year federal budget and to support its restoration into the Department of Housing and Urban Development budget at its current funding level of $4,700,000,000; to the Committee on Financial Services.

81. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 245 requesting the Congress of the United States to amend the No Child Left Behind Act of 2001 according to the recommendations of the final report of the National Conference of State Legislatures' Task Force on No Child Left Behind; to the Committee on Education and the Workforce.

82. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 148 urging the Congress of the

United States to amend the federal Older Americans Act to include older family caregivers of adult children with developmental disabilities as an eligible population to be served by the National Family Caregiver Supoprt Program; to the Committee on Education and the Workforce.

83. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 245 memorializing the Congress of the United States to amend the No Child Left Behind Act of 2001 according to the recommendations of the final report of the National Conference of State Legislatures' Task Force on No Child Left Behind; to the Committee on Education and the Workforce.

84. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 35 memorializing the Congress of the United States to amend the Energy Policy Act of 1992 to specify that an electric-hybrid vehicle must receive credit as being an alternative fueled vehicle for purposes of the requirement that 75% of new light duty motor vehicles acquired annually for state government fleets be alternative fueled vehicles; to the Committee on Energy and Commerce.

85. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 supporting federal funding for Lyme disease research; to the Committee on Energy and Commerce.

86. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 9 urging the Congress of the United States to amend the Social Security Act by deleting May 14, 1993, as the deadline for approval by states of long-term care partnership plans; to the Committee on Energy and Commerce.

87. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 30 memorializing the Congress of the United States to enact legislation allowing the Department of Commerce to help shield children by establishing and requiring the .XXX domain name for adult-only web sites; to the Committee on Energy and Commerce.

88. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution memorializing the Congress of the United States and the United States Environemntal Protection Agency to control mercury as a hazardous air pollutant; to the Committee on Energy and Commerce.

89. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 21 urging the Congress of the United States to enact the Clear Skies Act of 2005; to the Committee on Energy and Commerce.

90. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Memorial 1 urging the Congress of the United States to provide for a domestic energy policy that ensures an affordable supply of natural gas and that embraces a concerted national effort to promote greater energy efficiency, increased energy conservation and environmentally responsible natural gas production; to the Committee on Energy and Commerce.

91. Also, a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution 05R122(05-H6245) memorializing the Congress of the United States to provide for a domestic energy policy that ensures an affordable supply of natural gas and embraces a concerted national effort to promote greater energy efficiency and environmentally responsible natural gas production; to the Committee on Energy and Commerce.

92. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the Congress of the United States to provide a domestic natural gas policy; to the Committee on Energy and Commerce.

93. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to House Resolution commending the Rebublic of China, Taiwan, on its contributions to promote world health; to the Committee on International Relations.

94. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 141 urging the Federal Government to provide medical care and compensation to nuclear victims in the Republic of the Marshall Islands; to the Committee on International Relations.

95. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2009 urging the Congress of the United States to send federal funds directly to the Arizona Legislature for appropriation and oversight; to the Committee on Government Reform.

96. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial No. 1 urging the Congress of the United States to pass legislation that will reauthorize and extend the Secure Rural Schools and Community Self-Determination Act of 2000 for an additional 10-year period through federal fiscal year 2016, and that the Act be continued in its present form and be funded through a mandatory continuing appropriation; to the Committee on Resources.

97. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution NO. 12 urging the President of the United States to direct the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; to the Committee on Resources.

98. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 204 memorializing the Congress of the United States to enable to receive its appropriate share of revenue received from oil and gas activity on the Outer Continental Shelf; to the Committee on Resources.

99. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8000 memorializing the President of the United States and the Congress of the United States to support the establishment of the Ice Age Floods National Geologic Trail; to the Committee on Resources.

100. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No.56, supporting passage of the Native Hawaiian Government Reorganization Act (The ''AKAKA Bill''); to the Committee on Resources.

101. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 78 urging the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

102. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 230 urging the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

103. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 116 memorializing the Congress of the United States to enable Louisiana to receive its appropriate share of revenue received from oil and gas activity on the Outer Continental Shelf; to the Committee on the Judiciary.

104. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the President and Congress of the United States not to require a passport to cross the Canadian border; to the Committee on the Judiciary.

105. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 117 memorializing the Congress of the United States to take such actions as are necessary to amend the United States Code to authorize state governors to proclaim that the United States flag shall be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; to the Committee on the Judiciary.

106. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 66 memorializing the Congress of the United States to permit public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date scheduled for closure until such time that an alternate long-term solution can be determined; to the Committee on Transportation and Infrastructure.

107. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 12 memorializing the Congress of the United States to provide the necessary funding to restore Calcasieu Ship Channel in southwest Louisiana to its authorized dimensions in order that the economic, safety, and security concerns may be adequately addressed; to the Committee on Transportation and Infrastructure.

108. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 31 memorializing the Congress of the United States to enact highway reathorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; to the Committee on Transportation and Infrastructure.

109. Also, a memorial of the Senate of the State of Iowa, relative to Senate Resolution No. 58 declaring support for Amtrak; to the Committee on Transportation and Infrastructure.

110. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to House Resolution memorializing the Congress of the United States to enact legislation that would fully fund the Department of Veterans Affairs health care system; to the Committee on Veterans' Affairs.

111. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution memorializing the President of the United States and the Congress of the United States in support of the Togus Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

112. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 249 urging Congress to support legislation conferring veterans' benefits on Filipino World War II veterans; to the Committee on Veterans' Affairs.

113. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the President of the United States and the Congress of the United States to continue stipends at current levels for veterans in veterans' nursing homes; to the Committee on Veterans' Affairs.

114. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1003 urging the Congress of the United States to enact legislation to achieve social security reform; to the Committee on Ways and Means.

115. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 76 urging the Congress of the United States to reject proposed changes to the social security system; to the Committee on Ways and Means.

116. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2006 urging the Congress of the United States to ensure that the United States does not enter into the Free Trade Area of the Americas; to the Committee on Ways and Means.

117. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 100 urging President George W. Bush to reconsider his plan to privatize social security; to the Committee on Ways and Means.

118. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 94 memorializing the Congress of the United States of America to take such actions as are necessary to work to abolish the federal estate tax permanently; to the Committee on Ways and Means.

119. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 17 urging the Congress of the United States to support the renewable energy production incentive program and production tax credit program; jointly to the Committees on Energy and Commerce and Ways and Means.

120. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Senate Resolution memorializing the Congress of the United States to establish an annual observance of ''Liberty Day''; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts:

H.R. 3494. A bill for the relief of Veronica Mitina Haskins; to the Committee on the Judiciary.

By Mr. NORWOOD:

H.R. 3495. A bill for the relief of Thomas W. Sikes and Wellingn Trade, Inc., doing business as Containerhouse; 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. 5: Mr. PICKERING, Mr. KIRK, Mr. MACK, Miss MCMORRIS, and Mr. BRADLEY of New Hampshire.

H.R. 14: Mr. CONAWAY.

H.R. 19: Mr. ALEXANDER.

H.R. 128: Ms. LINDA T. SÁNCHEZ of California and Ms. SCHWARTZ of Pennsylvania.

H.R. 188: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PAYNE.

H.R. 269: Mr. SCHWARZ of Michigan and Mr. PAYNE.

H.R. 282: Mr. NEUGEBAUER.

H.R. 303: Mr. WEINER.

H.R. 323: Mr. KUHL of New York.

H.R. 376: Ms. MILLENDER-MCDONALD.

H.R. 425: Ms. ESHOO.

H.R. 517: Mr. CARDOZA, Mrs. EMERSON, Ms. FOXX, Mr. HONDA, and Mr. BISHOP of Utah.

H.R. 588: Mr. BURTON of Indiana.

H.R. 602: Mr. HIGGINS.

H.R. 615: Mr. LANTOS and Mr. GRIJALVA.

H.R. 759: Ms. HARMAN.

H.R. 772: Mr. MCCAUL of Texas and Ms. MCCOLLUM of Minnesota.

H.R. 808: Mr. KANJORSKI.

H.R. 809: Mr. CONAWAY.

H.R. 819: Mr. RAHALL.

H.R. 859: Mr. GERLACH.

H.R. 896: Mr. WEXLER and Mr. GEORGE MILLER of California.

H.R. 949: Mr. OWENS and Mr. WOLF.

H.R. 998: Mr. SCHWARZ of Michigan.

H.R. 1020: Mr. MURTHA and Mr. PLATTS.

H.R. 1029: Mr. SCHIFF.

H.R. 1059: Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, and Mr. CARNAHAN.

H.R. 1120: Mr. SIMPSON, Mr. GREEN of Wisconsin, and Mrs. TAUSCHER.

H.R. 1141: Mr. BISHOP of Georgia and Mr. WILSON of South Carolina.

H.R. 1156: Mr. WU.

H.R. 1259: Ms. DELAURO and Mr. WEXLER.

H.R. 1272: Mr. LEVIN and Mr. MCNULTY.

H.R. 1273: Mr. CHABOT.

H.R. 1288: Mr. MORAN of Kansas and Mr. TAYLOR of North Carolina.

H.R. 1366: Mr. GENE GREEN of Texas.

H.R. 1399: Mr. RYAN of Ohio and Mr. OLVER.

H.R. 1402: Mr. ANDREWS, Mr. COOPER, Mr. DICKS, Mr. FILNER, Mr. HASTINGS of Florida, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LYNCH, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY, Mr. MEEHAN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Ms. PELOSI, Mr. RANGEL, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mr. TOWNS, Mr. WU, and Mr. WYNN.

H.R. 1409: Mr. HUNTER.

H.R. 1425: Mr. WEXLER.

H.R. 1426: Mr. WU.

H.R. 1471: Mr. SOUDER and Ms. VELÁZQUEZ.

H.R. 1474: Mr. GRIJALVA.

H.R. 1517: Mr. LEACH.

H.R. 1548: Mr. WAMP.

H.R. 1554: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1558: Mr. THOMPSON of California and Mr. RANGEL.

H.R. 1588: Mr. HOLT.

H.R. 1615: Mr. EVANS, Ms. BALDWIN, Mrs. DAVIS of California, Mr. NADLER, and Mr. MCNULTY.

H.R. 1687: Mrs. NAPOLITANO.

H.R. 1704: Mr. PENCE.

H.R. 1736: Mr. DAVIS of Alabama.

H.R. 1957: Mr. MACK.

H.R. 2014: Mr. CUELLAR.

H.R. 2048: Mr. STARK and Ms. BORDALLO.

H.R. 2062: Mr. PITTS, Ms. SCHWARTZ of Pennsylvania, Mr. MURTHA, Ms. HART, and Mr. DOYLE.

H.R. 2076: Mr. MICHAUD.

H.R. 2106: Mr. FORD.

H.R. 2121: Mr. GERLACH, Mr. FITZPATRICK of Pennsylvania, Mr. BOEHNER, and Mr. TANNER.

H.R. 2328: Mr. MACK.

H.R. 2330: Mr. LAHOOD and Mr. CUELLAR.

H.R. 2356: Mr. UDALL of New Mexico, Mr. BOUCHER, Mr. LARSEN of Washington, Mr. COBLE, Mr. DEFAZIO, Mr. TIBERI, Mr. ETHERIDGE, Mr. CLEAVER, Mr. ROSS, Mr. RUPPERSBERGER, Mrs. DRAKE, Mr. PORTER, Mr. GOODLATTE, Mrs. CAPPS, Ms. BALDWIN, Mr. CALVERT, Mr. PASCRELL, Mr. SCHWARZ of Michigan, and Mr. CONAWAY.

H.R. 2498: Mr. FORTENBERRY, Mr. GREEN of Wisconsin, and Mr. BERRY.

H.R. 2534: Mrs. DRAKE.

H.R. 2569: Mr. CASE.

H.R. 2682: Mr. GOODLATTE, Ms. HART, and Mr. PAUL.

H.R. 2746: Mr. REYES, Mr. MARKEY, Mr. DOGGETT, and Mr. CUMMINGS.

H.R. 2780: Ms. WASSERMAN SCHULTZ, Mr. MURTHA, Mr. WELDON of Pennsylvania, Mr. VAN HOLLEN, and Mr. DAVIS of Alabama.

H.R. 2793: Mr. LEACH, Mr. PETRI, and Ms. BALDWIN.

H.R. 2803: Mr. DAVIS of Alabama and Mr. FERGUSON.

H.R. 2939: Mr. SIMMONS.

H.R. 2963: Mr. SMITH of Washington, Ms. LINDA T. SÁNCHEZ of California, and Mr. FILNER.

H.R. 2989: Ms. BEAN.

H.R. 2992: Mr. WEINER, Mr. OWENS, and Ms. CARSON.

H.R. 3034: Mr. MCGOVERN, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. WASSERMAN SCHULTZ, and Mr. PICKERING.

H.R. 3098: Mr. CULBERSON, Mr. REYES, Mr. SHERMAN, Mr. RUSH, Mr. ISRAEL, Mr. GONZALEZ, Mr. EMANUEL, Mr. SCHIFF, Mr. LEWIS of California, and Mr. DOYLE.

H.R. 3111: Mr. ALEXANDER.

H.R. 3132: Mr. SMITH of New Jersey, Mr. CANNON, Mr. KLINE, Mr. CANTOR, Mr. ALEXANDER, Mr. ROSS, Mr. KING of New York, and Mr. KING of Iowa.

H.R. 3135: Mr. AL GREEN of Texas, Mr. BARRETT of South Carolina, Mr. KOLBE, and Mr. MORAN of Kansas.

H.R. 3137: Mr. CALVERT, Mr. BURGESS, Mr. BAKER, Mr. DOOLITTLE, Mr. ISTOOK, Mr. BARTLETT of Maryland, Mr. CRAMER, and Mr. WAMP.

H.R. 3146: Mr. RAHALL, Mr. BISHOP of Georgia, Mr. WELLER, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mrs. DRAKE, and Mrs. MYRICK.

H.R. 3166: Mr. PALLONE.

H.R. 3184: Mr. SCHIFF and Mr. CROWLEY.

H.R. 3188: Mr. PETERSON of Minnesota, Mr. ROTHMAN, and Ms. VELÁZQUEZ.

H.R. 3195: Mr. CONYERS, Mr. TAYLOR of Mississippi, Mr. FALEOMAVAEGA, Ms. DELAURO, and Mr. LANTOS.

H.R. 3268: Mr. MILLER of Florida, Mr. KOLBE, and Mr. HUNTER.

H.R. 3301: Mr. CANTOR, Mr. NUSSLE, Mr. SOUDER, and Mr. EMANUEL.

H.R. 3306: Mr. OBEY and Ms. JACKSON-LEE of Texas.

H.R. 3333: Mr. BURGESS.

H.R. 3352: Mr. MELANCON, Mr. CHANDLER, Mr. ISRAEL, Mr. ROSS, Mr. CARDOZA, Mr. POMEROY, Mr. BERRY, Mr. CASE, Mr. BOSWELL, Mr. COOPER, Ms. HERSETH, Mr. BOYD, Mr. THOMPSON of California, Mr. SCHIFF, Mr. BOREN, Mr. HOLDEN, Mr. REYES, Mr. BACA, Mrs. NAPOLITANO, Mr. BARROW, Mr. CRAMER, Mr. DAVIS of Tennessee, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, Mr. TANNER, Mr. TAYLOR of Mississippi, and Mr. CUELLAR.

H.R. 3358: Ms. HARRIS, Mr. JOHNSON of Illinois, Mr. SHIMKUS, and Mr. FALEOMAVAEGA.

H.R. 3359: Mr. NADLER, Mr. CASE, and Ms. DEGETTE.

H.R. 3361: Mr. SCHWARZ of Michigan and Mr. NEAL of Massachusetts.

H.R. 3385: Ms. ESHOO.

H.R. 3401: Mr. BROWN of South Carolina.

H.R. 3402: Mr. BACHUS.

H.R. 3405: Mr. WALDEN of Oregon, Mr. MANZULLO, Mr. BOOZMAN, and Mr. BARTLETT of Maryland.

H.R. 3417: Mr. SOUDER and Mr. SANDERS.

H.R. 3438: Mr. RUPPERSBERGER.

H.R. 3442: Ms. ESHOO.

H.J. Res. 55: Mr. STARK, Mr. CONYERS, Ms. MCKINNEY, and Ms. KAPTUR.

H.J. Res. 61: Mr. WILSON of South Carolina, Mr. SOUDER, Mr. GOODE, Mr. AKIN, Mr. RYUN of Kansas, Mr. SHADEGG, Mrs. MYRICK, Mr. PITTS, Mr. CULBERSON, Mr. MCCAUL of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. BRADY of Texas, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. CHOCOLA, Mr. RYAN of Wisconsin, Ms. HART, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. DOOLITTLE,

Mr. KING of Iowa, Mr. SIMPSON, Mr. INGLIS of South Carolina, Mr. FORTENBERRY, Mr. JINDAL, Mrs. BLACKBURN, Mr. WICKER, Mr. PRICE of Georgia, and Mr. WAMP.

H. Con. Res. 197: Mr. CROWLEY.

H. Con. Res. 210: Mr. JINDAL, Mr. KING of New York, Ms. WOOLSEY, Mr. GENE GREEN of Texas, Ms. ROS-LEHTINEN, Ms. HARRIS, Ms. SOLIS, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. BONNER, and Mr. PAYNE.

H. Res. 132: Mr. FATTAH.

H. Res. 223: Mr. DELAY.

H. Res. 246: Mr. LEVIN.

H. Res. 261: Mr. REYES, Mr. COBLE, and Mr. SESSIONS.

H. Res. 286: Mr. WEXLER.

H. Res. 325: Mr. SWEENEY, Mr. LYNCH, Mr. PAYNE, Ms. DELAURO, Ms. LINDA T. SÁNCHEZ of California, and Mr. SCHWARZ of Michigan.

H. Res. 338: Mr. SANDERS.

H. Res. 353: Mr. MORAN of Virginia.

H. Res. 358: Mr. HOLDEN.

H. Res. 360: Ms. ROS-LEHTINEN and Mr. SOUDER.

H. Res. 367: Mr. WAXMAN, Mrs. MALONEY, and Mr. SIMMONS.

H. Res. 371: Mr. MILLER of Florida.

H. Res. 375: Mr. WU, Mr. BROWN of Ohio, Mr. TOWNS, and Mr. CROWLEY.

H. Res. 381: Mr. BOREN and Mr. WAXMAN.

H. Res. 383: Mrs. BIGGERT and Ms. PRYCE of Ohio.

H. Res. 384: Mr. MEEHAN.

H. Res. 388: Mr. MEEK of Florida.

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: Mr. GEORGE MILLER of California.

H.R. 3304: Mr. GERLACH.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

23. The SPEAKER presented a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-764-05, urging the Congress of the United States to support $385 Million in funding for Hopwa Program for FY 2006; to the Committee on Financial Services.

24. Also, a petition of the Marinette County Board of Supervisors, Wisconsin, relative to Resolution No. 191, petitioning the Congress of the United States to restore the PILT funding level to no less than the FY 2005 plus the additional amount of the national increase in inflation; to the Committee on Resources.

25. Also, a petition of the City Commission of the City of Weston, Florida, relative to Resolution No. 2005-53, urging the Congress of the United States to revise the policies of the Federal Emergency Management Agency; to the Committee on Transportation and Infrastructure.

26. Also, a petition of the Board of Chosen Freeholders, County of Passaic, New Jersey, relative to Resolution No. R-05-229, urging the Congress of the United States to support the Passaic River Restoration Initiative; to the Committee on Transportation and Infrastructure.

27. Also, a petition of Mr. James N. Thivierge, a citizen of Amesbury, Massachusetts, relative to the Social Security Trust Fund and the rising cost of Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.